

89022

# GENERAL STATUTES OF MINNESOTA

## SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES  
AND OTHER LAWS OF A GENERAL AND PERMANENT  
NATURE, ENACTED BY THE LEGISLATURE  
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

## CHAPTER 7

## COUNTIES AND COUNTY OFFICERS

## CHANGE OF BOUNDARIES

**632. Change—New counties**—The boundaries of counties may be changed by taking territory from a county and attaching the same to an adjoining county, and new counties may be established out of territory out of one or more existing counties, as hereinafter provided; that no such new county shall contain less than four hundred (400) square miles, nor less than two thousand (2,000) inhabitants, nor shall it have an assessed valuation of less than four million dollars (\$4,000,000.00) and no existing county shall be reduced in area below four hundred (400) square miles, nor so as to contain less than two thousand (2,000) inhabitants, nor so as to have an assessed valuation of less than four million dollars (\$4,000,000.00);

Provided, however, that in existing counties having an area of more than thirty-five hundred (3,500) and less than six thousand (6,000) square miles, boundaries may be changed and new counties established having an assessed valuation of not less than three million dollars (\$3,000,000.00). (Amended '17 c. 359 § 1)

**639. Effect of proclamation**—

Where a new county is formed from an existing one, notice of expiration of redemption from a tax sale of lands in such territory must be issued by the auditor of the original county, and delivered for service to the sheriff of the new county and published therein, if publication be necessary, provided the taxes for which the sale was had were levied before the petition for the formation of the new county was filed (126-218, 148+273). Taxation, [§ 701](#).

## CHANGING COUNTY SEATS

**662. Canvass—Certificate**—

Cited (131-287, 155+92) on the proposition as to whether in a local option election illegally marked ballots are to be counted in determining whether a majority of the votes cast have favored the measure submitted. Intoxicating Liquors, [§ 35](#).

## POWERS AND DUTIES

**668. Powers**—

Cited (161+210).

[668—]1. **Certain counties authorized to construct branch railroad tracks**—In all cases where county buildings, or buildings in which a county is interested with other counties, are situated upon land adjacent to or near a railway track, such county, to-wit: The county in which such buildings are located, may pay from the general revenue fund thereof, or from any money raised by such county in excess of its proportionate share for any such institution, the costs of procuring a right of way for and the building of a branch track suitable for the transportation thereon from said railway track to such buildings of any or all articles and commodities needed by said institution and of persons going to and from the same. ('15 c. 55 § 1)

**670. Powers, how exercised**—

Cited (161+210).

**671. County buildings**—

Right of sheriff to exclude county officers from building assigned to them by the county board, though the building was constructed for a jail and sheriff's residence (see 161+210). Counties, [§ 107](#). See, also, note under § 9334, post.

**675. Proceedings on appeal**—

The pleadings provided for by this section have no application to appeals taken under § 2676, relating to formation and change of school districts (135-439, 161+152). Schools and School Districts, [§ 39](#).

## COUNTY BOARD

**679. Commissioner districts—Redistricting—**Each county shall be divided into as many districts, numbered consecutively as it has members of the board. In all counties such districts shall be bounded by town, village or ward lines, shall be composed of contiguous territory and contain as nearly as practicable an equal population. Counties may be redistricted by the county board after each state or federal census; and when it appears that after a state or federal census thirty per cent or more of the population of any county is contained in one district, such county shall be re-districted by its county board or if it shall appear from the last census, federal or state, that thirty per cent of the population of any county is contained in one district, such county shall be re-districted by its county board.

Provided that the county board shall not have authority or jurisdiction to re-district a county unless said board shall cause at least three weeks published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the delinquent tax notice for said county for the preceding year.

One commissioner shall be elected in each such district who at the time of the election shall be a resident thereof, and the person so elected shall be entitled to hold said office only while he remains a resident of said commissioner district. (Amended '17 c. 370 § 1)

Section 3 provides that the act shall not be construed as repealing or in any manner modifying the provisions of 1917 c. 177 (§ [679—]1).

**[679—]1. Redistricting in certain counties—**That the county board of any county in this state, now or hereafter having an area of over five thousand square miles, and now or hereafter containing a city of the first class, is hereby authorized to re-district any county commissioners' district or districts in such county, now or hereafter wholly included within any such city of the first class, so that any such commissioner's district shall include such number of election districts within such city, and such contiguous congressional townships or part of any township, not less than one-half thereof, as such county board shall determine; provided, however, that all such territory within such city and such township or townships included in any such commissioner's district shall be contiguous territory.

That the re-districting of any commissioner's district under the provisions of this act shall be governed by the statutes now applicable to the re-districting of such commissioners' districts, except as herein otherwise provided. ('17 c. 177 § 1)

See note under § 679.

**680. Term of office—Bond in certain counties—**

An appointee to fill a vacancy in the county board, in a county not newly organized, or in which the number of commissioners is not increased, holds only until the next election occurring after there is sufficient time to give the notice prescribed by law, and until a successor is elected and qualified; § 5727 governing the case, and not this section (129-359, 152+758). Counties, 43.

**[683—]1. Counties having over 200,000 and not over 300,000 inhabitants—Election of commissioners—**That in all counties in the State of Minnesota, now, or hereafter having a population of over two hundred thousand and not over three hundred thousand population, the county commissioners to which any such county is entitled by law, shall be elected at the general election for county officers to be held in the year A. D. 1918, and each four years thereafter, and their terms of office shall be for four years and until their successors are elected and qualified. ('15 c. 104 § 1)

Section 3 repeals inconsistent acts, etc.

**[683—]2. Same—Present commissioners—**The terms of office of all county commissioners now in office in any county embraced in Section one of this act [683—1] shall continue until their successors are elected at the

general election in the year 1918, and until such successors qualify as provided by law. ('15 c. 104 § 2)

**684. Salaries—**

Section 685 does not modify the provisions of this section as to compensation of county commissioners in counties having an assessed valuation of more than \$20,000,000 and not exceeding \$100,000,000, limiting such compensation to \$800 yearly salary and expenses for the whole board not exceeding \$1,200 per year (131-478, 155+752). Counties, ↪39.

[684—]1. **Salaries in counties having 300,000 inhabitants—**That in all counties of this state now or hereafter having a population of 300,000 or more inhabitants, each member of the Board of County Commissioners shall receive an annual salary of two thousand dollars (\$2,000.00), payable in equal monthly installments as the salaries of other county officials are paid. Said salary shall be in full for all services upon the county or other boards and committees and all traveling and other expenses within the county. ('17 c. 94 § 1)

Section 2 repeals inconsistent acts, etc.

[684—]2. **Salaries in counties having valuation of more than \$250,000,000 and area of more than 5,000 square miles—**That in all counties of this state, now or hereafter having an assessed valuation of more than two hundred and fifty million dollars (\$250,000,000.00) and an area of more than five thousand (5000) square miles, each member of the Board of County Commissioners shall receive an annual salary of eighteen hundred dollars (\$1800.00), payable in equal monthly installments as the salaries of other county officials are paid, which salary shall be in lieu of all other charges and allowances against said county, except that such commissioners shall be allowed and paid in addition to said salaries their actual and necessary traveling expenses incurred and paid by them in the discharge of their official duties, not exceeding in one calendar year the sum of Three Hundred dollars (\$300.00) for each commissioner. Such traveling expenses shall be allowed by the county upon duly verified and itemized bills in the same manner as other claims against the county. ('15 c. 95 § 1)

Section 2 repeals inconsistent acts, etc.

[684—]3. **Salaries in counties having assessed valuation of more than \$20,000,000 and less than \$100,000,000 and area of more than 2,500 square miles—**In all counties of this state, now or hereafter having an assessed valuation of more than twenty million dollars, and less than one hundred million dollars, and an area of more than twenty-five hundred square miles, each member of the board of county commissioners shall receive an annual salary of fifteen hundred dollars (\$1500) payable in equal monthly installments as the salaries of other county officials are paid, which salary shall be in lieu of all other charges and allowances against said county, whether for services upon the county and other boards and committees or for traveling and other expenses or otherwise. ('17 c. 175 § 1)

Section 2 repeals inconsistent acts, etc.

[684—]4. **Salaries in counties having not less than 45,000 nor more than 60,000 inhabitants and not less than 35 nor more than 45 townships—**From and after the passage of this act the salary and compensation of county commissioners in any county in this state, now or hereafter having a population of not less than forty-five thousand nor more than sixty thousand, according to the last federal census, and consisting of not less than thirty-five nor more than forty-five congressional townships, shall be the sum of eight hundred (\$800.00) dollars per year to each commissioner of said county and in addition thereto each of said commissioners shall receive the sum of three (\$3.00) dollars per day for each and every day necessarily occupied in the discharge of their official duties while acting on any committee under direction of the board, and ten cents per mile each way for every mile necessarily traveled either in attending general or special meetings of the board or upon committee work, but the total amount in addition to said salary of eight hundred (\$800.00) dollars aforesaid allowed to any one commissioner, in any one year,

shall not exceed the sum of five hundred (\$500.00) dollars, provided, however, that the chairman of the county board of any such county shall receive in addition to the foregoing ten cents per mile each way for going to the county seat to sign warrants during recess of the board. ('17 c. 152 § 1)

Section 2 repeals inconsistent acts, etc.

[684—]5. **Salaries in counties having not less than 80 nor more than 100 townships and valuation of not less than \$6,000,000 nor more than \$8,000,000**—That in all counties having not less than eighty nor more than one hundred congressional townships and having an assessed valuation of not less than six million (\$6,000,000.00) dollars, and not more than eight million (\$8,000,000.00) dollars the several members of the county boards shall receive a salary of eight hundred (\$800.00) dollars per year to be paid in twelve equal monthly installments, which shall be in full for all services upon the county board and committees thereof. ('17 c. 489 § 1)

[684—]6. **Same—Expenses**—Each member of such county boards shall also receive his actual and necessary traveling expenses incurred in the performance of his official duties within his county, to be audited and allowed as other claims against the county. All claims for such expenses shall state clearly the nature of the services in which same were incurred, and the date of same, and all claims for expenditures amounting to one (\$1.00) dollar or more shall be accompanied by a receipt signed by the person to whom the money was paid.

All expenses incurred in connection with the construction of ditches shall be paid from the ditch fund. Each member shall keep an accurate account of the days and dates upon which ditch services are rendered, and for each such day the county revenue fund shall be reimbursed from the ditch fund in the sum of three (\$3.00) dollars, the transfer to be made by resolution of the board. ('17 c. 489 § 2)

[684—]7. **Salaries in counties having more than 75 and not less than 80 townships and valuation of more than \$5,500,000 and less than \$12,000,000**—In all counties of this state having more than 75 and less than 80 congressional townships of land and having an assessed valuation of more than five million five hundred thousand (\$5,500,000) dollars and less than twelve million (\$12,000,000) dollars, the several members of the county boards shall receive an annual salary of seven hundred (\$700.00) dollars, to be paid in 12 equal monthly installments, which shall be in full for all services upon the county board or other boards and committees. ('17 c. 114 § 1)

[684—]8. **Same—Expenses**—Each member of such county board shall also receive his actual and necessary traveling expenses incurred in the performance of his official duties within his county, to be audited and allowed as other claims against the county. ('17 c. 114 § 2)

[684—]9. **Same—Total expense, etc.**—The total aggregate amount of the traveling expenses of all of the county commissioners of any such county which may be so allowed and paid shall not exceed twelve hundred dollars (\$1,200.00) in any one year.

When a member of the county board furnishes his own conveyance for necessary travel in the discharge of his official duties, he shall be entitled to charge at the rate of 3c per mile therefor. ('17 c. 114 § 3)

[684—]10. **Salaries in counties having not less than 35 nor more than 40 townships and valuation of not less than \$14,000,000 nor more than \$20,000,000**—That in all counties having not less than thirty-five nor more than forty congressional townships, and having an assessed valuation of not less than fourteen million and not more than twenty million dollars, the several members of the county boards shall receive a salary of five hundred (\$500.00) dollars per year, to be paid in twelve equal monthly installments, which shall be in full for all services upon the county board; and each member of such county board shall also receive three dollars (\$3.00) per day for each and every day necessarily occupied by him in the discharge of his official duties

while acting on any committee under the direction of the board, and ten cents per mile each way for every mile necessarily traveled in attending such committee work, and shall also be entitled to mileage of ten cents per mile each way for every mile necessarily traveled for attending meetings of the board, not to exceed twelve meetings in any one year; and in addition the chairman of the county board shall receive ten cents per mile each way for going to the county seat to sign warrants during recess of the county board. ('15 c. 298 § 1, amended '17 c. 301 § 1)

[684—]11. **Salaries in counties having not less than 55 nor more than 57 townships and valuation of not less than \$5,000,000 nor more than \$10,000,000**—That in all counties having not less than fifty-five nor more than fifty-seven congressional townships, and having an assessed valuation of not less than five million and not more than ten million dollars, the several members of the county boards shall receive a salary of \$480.00 per year, to be paid in twelve equal monthly installments, which shall be in full for all services upon the county board or other boards and committees. ('15 c. 88 § 1)

[684—]12. **Same—Expenses**—Each member of such county boards shall also receive his actual and necessary traveling expenses incurred in the performance of his official duties within his county, to be audited and allowed as other claims against the county. All claims for such expenses shall state clearly the nature of the service in which same were incurred and the date of same, and all claims for expenditures amounting to one dollar or more shall be accompanied by a receipt signed by the person to whom the money was paid.

All expenses incurred in connection with the construction of ditches shall be paid from the ditch fund. Each member shall keep an accurate account of the days and dates upon which ditch services are rendered and for each such day the county revenue fund shall be reimbursed from the ditch fund in the sum of three dollars, the transfer to be made by resolution of the board. ('15 c. 88 § 2)

[684—]13. **Salaries in counties having not less than 35 nor more than 40 townships and valuation of not less than \$14,000,000 nor more than \$16,000,000**—That in all counties having not less than thirty-five nor more than forty congressional townships, and having an assessed valuation of not less than fourteen million and not more than sixteen million dollars, the several members of the county boards shall receive a salary of \$500.00 per year, to be paid in twelve equal monthly installments, which shall be in full for all services upon the county board; and each member of such county board shall also receive three dollars (\$3.00) per day for each and every day necessarily occupied by him in the discharge of his official duties while acting on any committee under the direction of the board, and ten cents per mile each way for every mile necessarily traveled in attending such committee work, and shall also be entitled to mileage of ten cents per mile each way for every mile necessarily traveled for attending meetings of the board, not to exceed twelve meetings in any one year; and in addition the chairman of the county board shall receive ten cents per mile each way for going to the county seat to sign warrants during recess of the county board.<sup>1</sup> ('15 c. 298 § 1)

[684—]14. **Salaries in counties having more than 45,000 and not more than 75,000 inhabitants and area of not less than 60 townships**—That in all counties of the state now or hereafter having a population of more than forty-five thousand (45,000) inhabitants, and not exceeding seventy-five thousand (75,000) inhabitants, and having an area of not less than sixty congressional townships, each member of the county board shall receive for his services an annual salary of two hundred and fifty dollars (\$250) and such additional compensation as is provided for in Section 685, General Statutes of Minnesota for 1913. ('15 c. 85 § 1)

[684—]15. **Salaries in counties having not less than 50 nor more than 70 townships and valuation of not more than \$3,000,000**—In each county of this state now or hereafter containing not less than fifty and not more than sev-

<sup>1</sup> Amended by 1917, c. 301, § 1. See ante, § 684[10].

enty congressional townships, and having at any time an assessed valuation of not more than three million dollars, exclusive of money and credits as finally equalized by the state tax commission, each year, each county commissioner of such county shall receive an annual salary of three hundred dollars, payable monthly out of the county treasury, and in addition thereto each commissioner shall receive three dollars per day for each and every day necessarily occupied in the discharge of his official duties while acting on any committee under the direction of the county board, and ten cents per mile each way for every mile necessarily travelled in attending such committee work, and shall also be entitled to mileage of ten cents per mile each way for every mile necessarily travelled in attending meetings of the board, not to exceed twelve meetings in any one year. In addition to the foregoing compensation, the chairman of the county board shall receive ten cents per mile each way for going to the county seat to sign warrants during any recess of the county board. ('17 c. 275 § 1)

[684—]16. **Same—Application of act—**This act shall not apply to any county where the salary of the county commissioners is now fixed by a special law. ('17 c. 275 § 2)

**685. Compensation and mileage in counties having less than 75,000 inhabitants—**

A county commissioner in attending board meetings is entitled to compute mileage for the distance "necessarily traveled" by the usual traveled route from the place of residence to the county seat (134-346, 159+791). Counties, ~~46~~.

This section does not modify the express provisions of § 684, fixing the compensation of county commissioners in counties having an assessed valuation of more than \$20,000,000, but not exceeding \$100,000,000, limiting such compensation to \$800 yearly salary, and expenses not exceeding \$1,200 for all the members of the board (131-478, 155+752). Counties, ~~39~~.

**687. Vacancies filled by board—**

Where a county superintendent of schools was defeated for re-election, and contested the election of her opponent on the ground of his violation of the corrupt practices act, and, contestee prevailing on the contest in the trial court, contestant surrendered the office to contestee, who qualified and entered upon the duties of the office, but thereafter, on appeal, contestee was ousted, and resigned, there was a vacancy which could be filled by appointment under this section, and contestee did not hold over (131-1, 154+442). Schools and School Districts, ~~48(3)~~.

**692. Offices and supplies for county officials—**

A sheriff held to have no right to exclude county officers from a building constructed for a jail and sheriff's residence, but assigned to such county officers by the county board for the reason that there was no other county building (161+210). Counties, ~~107~~.

**696. General powers of board— \* \* \***

8. To appropriate to any county agricultural society of its county, which is a member of the State Agricultural Society, or to any farm improvement association organized by the citizens of two or more counties jointly for the purpose of advancing the agricultural interest of each of such counties, a sum of money not exceeding five hundred dollars, annually, provided, that in any county in which two county agricultural societies are members of the State Agricultural Society any appropriation so made shall be divided equally between them. (Subd. 8, amended '17 c. 347 § 1)

See 1915 c. 219, amending the same subdivision.

13. In counties having more than two hundred thousand population, to appropriate not to exceed five thousand dollars in each year for the improvement of navigable lakes lying wholly or partly within such county.

This is subd. 13 of § 438, R. L. 1905, which was amended by 1913 c. 94, so as to read as set forth in G. S. 1913 § 696 subd. 13. 1913 c. 94 was repealed by 1917 c. 198. See note under § [696—]1.

Cited (161+210).

[696—]1. **Improvement of lakes in counties having not less than 200,000 nor more than 275,000 inhabitants—**The board of county commissioners of any county in the state of Minnesota now or hereafter having a population of not less than 200,000 and not more than 275,000 is hereby authorized and empowered to appropriate and expend a sum not exceeding \$50,000 in each

year for the improvement of navigable lakes lying wholly or partly within such county. ('17 c. 198 § 1)

Section 2 repeals 1913 c. 94. See note under § 696 subd. 13.

**708. Same—Bond from hospital—Charges, etc.—**

See §§ [708—]1, [708—]2.

[708—]1. **Aid to hospitals in counties having 25,000 inhabitants or less—** The board of county commissioners in any county in this state containing twenty-five thousand inhabitants, or less, is hereby authorized to appropriate from the general revenue fund of such county a sum not exceeding Forty Thousand Dollars in any one year to aid in the maintenance or erection of a hospital within such county. ('15 c. 326 § 1)

See §§ 707, 708.

[708—]2. **Same—Bond from hospital—Charges—** Before any such appropriation shall be made in any county under the provisions of this act, the board of county commissioners of such county may, in their discretion, require a bond on the part of the authorities of such hospital in a sum of at least the amount of the appropriation with sureties to be approved by such board, conditioned that such hospital shall be operated in a first class manner for the year for which said appropriation is made, or for such further time as such board may require, and that the authorities of such hospital shall receive at such price or compensation as may be fixed and agreed upon by and between such board and the authorities of such hospital at or before the time of the giving of such bond, all patients who may be a charge or dependent upon such county. ('15 c. 326 § 2)

**717. Tuberculosis sanatorium—Powers of board of county or boards of group of counties—How established—Submission to voters—Sanatorium fund—Taxes—Bonds—** The board of county commissioners of any county in this state or the boards of county commissioners in any group of counties in this state shall have and are hereby granted and given power with the advice and approval of the advisory commission of the Minnesota Sanatorium for Consumptives to establish and maintain as hereinafter provided, a sanatorium for the treatment and care of persons affected with tuberculosis, provided that said power so granted shall be exercised as follows:

a. Such sanatorium may be established by a majority vote of the commissioners of such county or a majority vote of the commissioners of each such group of counties whenever and in cases where the amount of the cost of construction to be paid by such county or group of counties shall not exceed such sum as may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of any such county or group of counties.

b. When the cost of constructing said sanatorium shall exceed the amount specified in sub-division "a" thereof, or whenever it is necessary to issue the bonds of such county or any county in any such group of counties to defray the cost which such county or any of such counties are required to pay under the terms of this act, then and in all such cases the question of (1) whether such sanatorium shall be established (and when necessary). (2) Whether such bonds shall be issued to defray any county's portion of the cost thereof, shall be submitted to the voters of such county or, if more than one, to the voters of each of such counties requiring a bond issue, and the sanatorium shall not be established or bonds issued therefor unless a majority of the voters of such county, or, if more than one, of each such county voting thereon shall vote in favor of each proposition submitted to it or to them.

c. The board of county commissioners of any such county, or, if more than one, the board of county commissioners of any such counties shall have the power and authority in any case to submit the question to the voters of any such county or counties in the way and manner provided in this act and in the event that the cost which the county, or if more than one, the counties will be required to pay for the erection of such sanatorium under this act shall be less than an amount equal to the amount which can be raised in any such county or counties by a tax levy of one mill on the dollar of the

taxable property of each such county or group of counties and the commissioners of any such county or counties shall decide not to construct the same under the power herein contained, on a petition of not less than five per cent of the freeholders of such county or counties, such question shall be submitted to the voters of such county or group of counties and if a majority of the voters of such county or a majority of the voters of each county of such group of counties voting thereon in favor thereof then such sanatorium shall be erected hereunder and a tax levied if necessary to pay the cost which such county or counties are required to pay under this act, which tax shall be extended and collected as herein provided.

Provided, that any county or group of counties which has heretofore commenced proceedings to erect a sanatorium or taken any steps preliminary thereto may by a resolution of the board of county commissioners thereof, adopted by a majority vote of said board of county commissioners or each board of county commissioners, as the case may be, determine to proceed under the provisions of this act and may continue hereunder and complete such sanatorium and be entitled to all the provisions and benefits provided for in this act.

Provided, however, that the said sanatorium when so constructed shall in all respects conform to the requirements of this act.

The board of county commissioners of any such county, or the board of county commissioners of each of such group of counties, if more than one, erecting such sanatorium under the provisions of this act, may, by resolution, create a fund to be known as the "Sanatorium Fund," and such funds may be raised by taxation at the time of deciding to erect such sanatorium under this act or at any time subsequent thereto, or if submitted to the people at the first meeting of the board of county commissioners, after the people of said county or counties shall have voted to erect the same, and the amount so determined by said board to be raised by taxation shall be levied by the county auditor in addition to all other taxes authorized by law, and shall be extended on the tax lists and collected as other county taxes, and this provision shall be construed to vest in the county commissioners of such county or counties, as the case may be, power to levy a tax to pay interest and principal of any bonds authorized hereunder as the same shall come due and become payable, and the said tax shall be levied, extended and collected in the same way and manner as other county taxes are levied, extended and collected, and shall be used for no other purpose, provided that no institution established under this act shall have less than twenty beds.

The question as to the establishment and maintenance of the sanatorium, or issuance of bonds therefor, may be submitted at a general or special election; if at the general election the notices of such election shall state that the questions will be voted upon and the provisions for taking such votes shall be made upon the blue ballots furnished herefor, as in the case of other questions, and the result shall be canvassed and returned in like manner; if at a special election, such election shall be ordered by resolution of the county board, and the procedure for, at and after such election shall be substantially and as far as applicable the same as provided for in Section 399 to 403 inclusive, of the Revised Laws of 1905 (658-662), and the county auditor upon the passage of the necessary resolution, shall proceed as in said sections provided. If the proposition is to affect more than one county, then the necessary action shall be taken by the county board and county auditor of each county affected. If funds are to be borrowed from the state, the procedure outlined herein shall be sufficient for that purpose, instead of those provided for in Chapter 122, General Laws of 1907 (1879-1888).

If the bonding proposition should carry at any such election at which both propositions are voted upon, and the other proposition should fail to carry, no bonds shall be issued to provide money for the establishment or maintaining of a sanatorium until at some future election at which the question is properly submitted, and a majority of the votes cast upon the question shall have been in favor of the establishing and maintaining of such sanatorium. Where more than one county is involved the result of the vote on

the question or questions submitted in each of said counties shall be certified by the county auditor thereof to the county auditors of the other counties interested.

The amount of taxes to be raised in any one year in any one county for the construction of any such sanatorium hereunder, shall never exceed an amount equal to the amount which may be raised by a tax levy of one mill on the dollar of taxable property in such county. (Amended '15 c. 270 § 1)

**718. Same—County sanatorium commission—Powers—Superintendent—Nurses—Surplus of tax levy—**Upon the decision to establish and maintain a tuberculosis sanatorium under this act, the county commissioners of any county shall appoint a commission consisting of three members, residents of the county, at least one of whom shall be a licensed physician. These members shall be chosen with reference to their special fitness for such office and the appointment of said licensed physician before becoming effective shall be approved by the state board of health. Under the first appointment one member shall be chosen to hold office for one year, one for two years and one for three years, all from the first Monday of the next July following such appointment, and thereafter one member shall be chosen each year to serve for a period of three years commencing with the first Monday in July in each year respectively, and each appointee shall hold office until his successor is appointed and has qualified. This commission shall be known as the county sanatorium commission. Its members shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred by them in connection with their official duties.

Said county sanatorium commission shall have full charge and control, except as hereinafter provided, of all moneys received for the credit of the tuberculosis sanatorium fund hereinafter described and full charge and control of the location, establishing, and maintenance of any sanatorium building constructed under this act and shall make such regulations concerning the same as may seem to it advisable, but no site shall be secured and no buildings erected or equipped without the approval and consent of the advisory commission of the Minnesota Sanatorium for Consumptives, and before final action is taken and plans and specifications shall be submitted to the state board of health for approval as provided by Section 2131, Revised Laws of 1905 (4640). The state board of control shall have full power and control over the construction and equipment of any such sanatorium whose establishment has been determined upon by said county sanatorium commission as hereinafter provided.

Said county sanatorium commission may when deemed necessary appoint and employ with the approval and consent of the advisory commission of the Minnesota Sanatorium for Consumptives a competent superintendent who shall employ other necessary help at a compensation to be determined by the county sanatorium commission. Said superintendent shall be the executive officer of the sanatorium and he shall act as secretary of the county sanatorium commission. One member of said commission shall be elected annually by the commission as its president.

The county sanatorium commission of a county or group of counties may authorize the superintendent of a sanatorium to employ a nurse or nurses to visit in their homes consumptives who have been discharged from such institution and who reside within such county or group of counties. Such nurse shall render monthly reports in duplicate to the superintendent of the sanatorium and to the state board of health. Said sanatorium commission may establish an open air school or preventorium for child patients in connection with the sanatorium with the consent and approval of the advisory commission of the Minnesota Sanatorium for Consumptives.

Said county sanatorium commission of a county or group of counties is hereby authorized, with the approval of the advisory commission of the Minnesota Sanatorium for Consumptives, to use any surplus of the tax levy made for the maintenance of a sanatorium, for building, purchasing, equipments, building additions, building cottages, making improvements and repairs. (Amended '15 c. 270 § 2)

719. **Same—Counties may unite—Commission, how composed—Withdrawal from group**—Two or more counties may unite in acquiring, establishing, equipping or maintaining such sanatorium and in such case said commission shall be composed in the first instance of two members chosen from each county in such group of the county commissioners of each such county, and after the site for the sanatorium has been selected and has received the approval of the advisory commission of the Minnesota Sanatorium for Consumptives such commission shall be increased by the addition of a third member chosen from the county in which said sanatorium is to be located, by the county commissioners thereof; under the first appointment one member from each county shall be chosen to hold office for two years and one for three years from the first Monday of the next July following such appointment, and the additional member thereafter chosen from the county in which said sanatorium is to be located shall be chosen to hold office for one year from the said first Monday of the next July, and thereafter the members chosen to succeed said first appointees at the expiration of their terms shall each hold office for the term of three years, and each appointee provided for in this section shall hold office until his successor is appointed and qualified.

In any case where a group of two or more counties have jointly acquired, established, equipped or maintained a sanatorium, and one or more counties in such group desires to separate from such group for the purpose of alone, or with another county or group of counties, establish or maintain separate sanatorium under this act, such county or counties desiring to withdraw from said group shall in writing, request permission of the remaining counties in such group to do so and to fix and determine the financial obligation of the petitioner and of the other remaining counties of the group. In the event that the majority of such remaining counties shall fail to consent to such withdrawal within 90 days of such request, or consenting fail to agree on said financial obligation, the county or counties desiring such separation shall through the county attorney make a petition setting forth facts showing that it would better serve the interests of all concerned that such county, either alone or with another group, carry on its work, which petition shall be presented to the district court of any county affected by said proceeding. Upon the presentation of such petition the court shall fix a time and place of hearing, and by order direct the other interested counties to appear not less than twenty days after the service of notice thereof on the several county auditors of the interested counties. At the time so fixed, or at any other time designated, the court, without a jury, shall hear said petition and such evidence as may be adduced by the parties, and, if the petition be granted, by its order detach the petitioner from the group to which it belonged, and may annex the same to another group, and may fix and determine the financial obligation of the petitioner with respect to the group of counties to which it was formerly joined, and also to the group of counties to which it may be annexed. (Amended '15 c. 270 § 3)

720. **Same—Appropriation of funds—Bonds—Contribution of state—Duties of state board of control—Tax levy—Where counties unite—Disposition of moneys**—A county or group of counties wishing to establish a sanatorium as indicated in Section one (717) shall through the board or boards of county commissioners appropriate one-half the necessary funds in apportioned amounts as hereafter provided for the establishment, construction and equipment of the same and may issue bonds therefor in the manner provided by law for the issuance by counties of bonds for other purposes. The state treasurer shall pay out of the funds hereafter provided under this act one-half the cost of the erection and equipment of each such sanatorium including cost of site, which payment shall be made in the manner provided by law for the payment of expense incurred by the state board of control in the erection and equipment of public buildings; provided, that the amount contributed by the state towards the cost of the erection and equipment of each such sanatorium including cost of site shall not exceed fifty thousand dollars. Whenever any such sanatorium has been erected and equipped said county sanatorium commission shall have full charge and control of the maintenance of the same,

but may confer with the state board of control with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and said state board of control shall aid in the securing of favorable contracts for the purchase of supplies when so called upon. Said county sanatorium commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed one mill on the dollar of assessed valuation. For the maintenance of each free patient treated in the sanatorium, the sum of five dollars per week shall be paid to said county or group of counties by the state treasurer out of funds appropriated under this act, which payments shall be made monthly upon warrants of the state auditor, drawn upon the state treasurer, provided that the president and executive secretary of the advisory commission of the Minnesota Sanatorium for Consumptives certify that the institution has been properly conducted. Monies received by a county or counties from the state treasurer for the maintenance of free cases shall be placed to the credit of the sanatorium fund. In case two or more counties unite in a decision to establish a sanatorium, the county sanatorium commission shall apportion by resolution one-half the estimated total cost of site, erection and equipment and the estimated total cost of maintenance for the ensuing year between or among said counties, and designate the amount to be raised by each county, which said apportionment shall be based approximately upon the respective population of said counties as determined by the last previous federal or state census. When so apportioned said commission shall forward to the board of county commissioners of each county a certified copy of such resolution, and each county board shall then proceed to pay if it has funds available for that purpose or to make a tax levy for the amount apportioned to its county. All moneys collected or received for such sanatorium purposes except cost of site, erection and equipment, shall be deposited in the treasury of said county to the credit of the tuberculosis sanatorium funds, and shall not be used for any other purpose and shall be paid out in a manner provided by law for other county expenses by the proper officers of said county, upon the properly authenticated vouchers of the county sanatorium commission signed by the president and secretary thereof, and all moneys collected or received to be used toward the payment of the cost of site, erection and equipment of such sanatorium shall be sent by each county treasurer to the state treasurer to be placed to the credit of said sanatorium and shall be paid out in the manner as in this section provided for other payments toward cost of site, erection and equipment of said sanatorium. (Amended '15 c. 270 § 4)

[729—]1. **Same—Refundment to county of sums erroneously paid to state treasurer**—When any sum shall have been in whole or in part erroneously transmitted under the provisions of said chapter by any county to the State Treasurer, the county paying or transmitting the same shall be entitled to a refundment of the amount so erroneously paid and transmitted, and the Auditor of the State shall, upon proper certificate furnished him by the advisory commission of the Minnesota Sanatorium for Consumptives, draw his warrant upon the State Treasurer for the amount so certified as having been overpaid and in favor of the county entitled thereto. ('13 c. 500, amended '17 c. 45 § 1)

This section, to be known as § 13A, is added to 1913 c. 500 by 1917 c. 45.

[730—]1. **Abandonment of sanatorium—Transfer of fund**—That where two or more counties in the State have heretofore begun proceedings for the establishment and maintenance of a county tuberculosis sanatorium for said counties, and have adopted resolutions therefor, and one or more of said counties has by resolution as provided by law, levied the tax as said board is by law authorized to do for such purpose, and thereafter the establishment of said sanatorium has been wholly abandoned, any such county having by rea-

son of such levy any moneys, in the sanatorium fund may by a resolution adopted by a unanimous vote of its county board, transfer such moneys from the tuberculosis sanatorium fund to the road and bridge fund of said county, at any time, and such moneys shall thereafter become a part of said road and bridge fund, and become available after such transfer for use as a part of said road and bridge fund. ('17 c. 47 § 1)

[735—]1. **Cemetery associations established prior to 1857—Maintenance and improvement**—That the county board of any county in this state may appropriate to any cemetery association which was established prior to the year 1857 in such county, and in which cemetery such county owns lots, a sum of money not exceeding two hundred dollars (\$200.00) annually, for the maintenance or improvement of such cemetery. ('15 c. 150 § 1)

739. **Exhibits at state fair**—The board of county commissioners of any county in the state, for the purpose of assisting to maintain an exhibit of the products of said county at the Minnesota State Fair, is hereby authorized and empowered to appropriate out of the general revenue fund of said county such a sum of money as they may deem advisable not exceeding five hundred dollars (\$500.00) annually, exclusive of and in addition to such sums of money as may be received by said county as premiums or prizes at the state fair for that year. ('09 c. 26 § 1, amended '17 c. 139 § 1)

1909 c. 26 § 1 amended section 1 of 1907 c. 99 to read as set forth in G. S. 1913 § 739. 1917 c. 139 amends section 1 of 1909 c. 26, so as to read as set forth in the above section and the two sections next following.

[739—]1. **Same—Premiums and prizes**—All moneys derived from premiums or prizes for such county exhibit at said state fair shall be paid into the treasury of said county. ('09 c. 26 § 1, amended '17 c. 139 § 2)

[739—]2. **Same—Appropriations validated**—Any annual appropriation heretofore made by the county commissioners of any county for such county exhibit, which appropriation exclusive of such premiums or prizes for the state fair exhibit of said county for the year, did not exceed the sum of five hundred (\$500.00), is, together with the expenditure of said appropriation and premium money, hereby legalized and declared to be valid, provided, however, that the provisions of this act shall not affect any action or proceeding now pending in any court of this state. ('09 c. 26 § 1, amended '17 c. 139 § 3)

743, 744—

Sec §§ [744—]1, [744—]2, and note under § [744—]2.

[744—]1. **County fairs in certain counties**—That in all counties in this state now or hereafter having a population of one hundred fifty thousand and having not less than forty per cent of their area consisting of vacant and uncultivated lands, the county board may annually appropriate not to exceed two thousand (\$2,000.00) dollars to assist in the maintaining of a county fair, which fair shall be under the management and control of a county agricultural society. Such appropriation shall be made either to the treasurer of such society or to some other suitable person, but before such money is paid to such treasurer or other person, he shall file with the county auditor a satisfactory bond in double the sum of said appropriation, conditioned upon a faithful disbursing and accounting for all of said funds so appropriated. Said funds so appropriated shall be used solely for the purpose of obtaining, preparing and arranging exhibits and paying premiums to exhibitors. The treasurer or other person to whom said appropriation is paid shall within four months after the holding of any such aided annual fair, file with the county auditor his verified and detailed report showing the name and address of every person to whom any of said money was paid, together with the date of payment and a full description of the purposes for which the money was so paid and he shall attach thereto receipts and sub-vouchers for each payment so made and shall return to the county treasurer all of the unexpended portion thereof. After said report and receipts and sub-vouchers have been audited by the county board and found to be correct, they may by resolution

release said treasurer or other person and his sureties from all further liabilities under such bond. ('17 c. 311 § 1)

1917 c. 311 is entitled "An act to amend chapter 271 of the Laws of 1913," etc., although it does not expressly amend the same. See §§ 743, 744.

[744—]2. **Same—Sites, buildings and race tracks**—The county board in any such county may also annually appropriate such further sum as it may desire not exceeding \$7,500, for the purpose of procuring a suitable site and the erection of a suitable county building thereon, for the building or repairing of a race track and for grading and improving the grounds, to be used in connection with such county fair, but said site and said building and improvements shall be and remain the property of such county and such annual appropriation shall be used only for the purpose of so acquiring such site and building and grading and for the necessary care, repair, maintenance and upkeep thereof. ('13 c. 271, amended '17 c. 311 § 2)

[744—]3. **Purchase of fair grounds and buildings in certain counties**—The board of county commissioners of any county in this state having a population of three hundred fifty thousand (350,000) inhabitants, or more, may by unanimous vote appropriate out of the general revenue fund of such counties a sum not to exceed thirty thousand dollars (\$30,000.00) for the purpose of aiding in the purchase of county fair grounds and the erection of buildings on such fair grounds in such counties. ('17 c. 458 § 1)

[745—]1. **Reimbursement of county agricultural society—Purchase of lands, etc.**—Whenever any county agricultural society or officer thereof has heretofore contributed funds for the purchase or condemnation of lands used for county fair purposes and title to such lands has been conveyed to the county, the county board of any such county is hereby authorized and empowered to appropriate to such society or officer thereof making such contribution an amount equal to the moneys so contributed by it or such officer in acquiring such land, such appropriation not to exceed in any event, the sum of three thousand dollars (\$3,000.00). ('15 c. 140 § 1)

[745—]2. **Same—Erecting building**—Whenever any county agricultural society or officer thereof has heretofore contributed funds for the erecting of a building or buildings used for county fair purposes, and title to such buildings and the land upon which the same are situate has been conveyed to the county, the county board of any such county is hereby authorized and empowered to appropriate to such society or officer thereof making such contribution an amount equal to the moneys so contributed by it or such officer in erecting said buildings, such appropriation not to exceed in any event, the sum of four thousand dollars (\$4,000.00). ('17 c. 74 § 1)

[745—]3. **Loaning money for purchase of seed and feed—Petition by free-holders—Power of county board**—Authority is hereby granted to any county in the State of Minnesota to lend money to residents of such county for the purpose of purchasing seed and feed for teams whenever there has been a total or partial failure of crops in such county, by reason of hail, flood, drought, fire or other cause, where such residents own or hold under contract for deed, land ready to be cropped, but are unable to procure seed for planting such land and feed for their teams while doing such work and who are in imminent danger of losing their property. In such case, if not less than twenty-five (25) resident free-holders of said county before March first next following such crop failure, shall present to the county auditor of such county a petition signed by them asking that such county lend money to residents thereof suffering by reason of such crop failure, for the purpose of purchasing seed and feed, said auditor shall receive and file said petition and at once call a meeting of the county board to consider such petition and said county board shall on or before the second Monday in March next following, meet and consider said petition and may grant the prayer thereof and enter an order that said county lend from its general fund such sum as it deems necessary for said purpose, provided, that said amount shall not, with the existing indebtedness of said county, exceed the amount of indebtedness fixed by the laws of this State. ('17 c. 21 § 1)

[745—]4. **Same—Application to county auditor**—Any resident free-holder of such county may apply for seed and feed or either of them, for himself as follows:—He shall file with the County Auditor on or before the second Monday in March, a written application therefor verified by him showing the following facts:

1. His name, residence and the places where he has resided during the past five (5) years.

2. All lands owned or occupied by him and his interest therein and the encumbrances, if any, thereon.

3. All personal property owned by him and the encumbrances if any, thereon.

4. The number of acres he seeded and harvested last year and the number of bushels of grain threshed by him therefrom.

5. The description of lands he desires to seed, its condition and number of acres plowed and ready for crop.

6. The number of horses and oxen owned by him and the encumbrances if any, thereon.

7. The number of bushels and kind of seed desired and the number of bushels of feed required.

8. That he is poor and unable to procure seed or feed from any other source.

9. That if his application be granted he will not sell or dispose of any part of said seed or feed but will use the whole of the seed in planting the lands specified in his application and the feed for his teams in seeding such lands, and that he will repay the loan from the crop raised from such seed. ('17 c. 21 § 2)

[745—]5. **Same—Procedure of county board—Order—Warrant**—The county auditor shall file and number said applications in the order received by him and call the county board to meet on the second Tuesday in March next following, and said board shall meet and consider said applications separately and in the order of their filing, and may grant such applications in whole or in part as appear to them just and proper. Provided that not more than two hundred (200) bushels of wheat or its equivalent in other seed shall be furnished to any one person.

The county board is hereby granted authority in its discretion to direct the filing by the auditor of the petition provided for in section 1 [745—3] hereof after March 1st, and to receive applications for grain after the second Monday in March and to act upon such petition and application the same as if received prior to the respective dates in said act provided.

The county board shall make an order specifying the names of persons and amounts allowed with the kind and quantities of seed and feed granted, and the county auditor shall issue and deliver to the applicant a warrant showing such allowance. Such warrant shall be for the purchase of such seed and feed and for no other purpose whatever, and shall be paid by the county treasurer only when there is endorsed on the back thereof a receipt signed by the applicant, acknowledging receipt by him from some reputable person, of the seed and feed therein specified. ('17 c. 21 § 3, amended '17 c. 154 § 1)

[745—]6. **Same—Duties of county auditor and county attorney**—The County Auditor and County Attorney are hereby required to attend all meetings of the county board herein provided for and to carefully examine all applications filed under the provisions of this act and shall give the board the benefit of all information they may have relative to the applicants, and shall counsel, advise and assist the county board in the discharge of their duties hereunder. ('17 c. 21 § 4)

[745—]7. **Same—Contract of applicant**—The warrant above provided for shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor, to the effect that said applicant, for and in consideration of the seed and feed specified, received from said county, promises to pay to said county the amount allowed for the same, on or before the first day of October following, with interest at the rate of six per cent per

annum, that said amount shall be a first lien upon the crop raised from said seed and in addition thereto, shall be taxable against the real property of said applicant for which seed and feed was furnished. Said contract shall also contain a true description of the land upon which the applicant intends to and will sow and plant said seed, in due season next following, and shall specify that his written application shall be a part of this contract. The auditor shall forthwith file one of such duplicate contracts with the register of deeds of his county, for which the applicant shall pay the required filing fee and file the other duplicate in his own office. ('17 c. 21 § 5)

[745—]8. **Same—Lien of county**—Upon the filing of the contracts provided for in Section 5 [745—7], the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving the seed or feed, for the amount owing to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid. ('17 c. 21 § 6)

[745—]9. **Same—Indebtedness, when due—Interest—Entry on tax list**—The amount of such indebtedness upon such contracts shall become due and payable on the first day of October in the year in which said seed or feed or both is furnished, together with interest on such amount from the date of the warrant or warrants issued therefor, at the rate of six per cent per annum, and if said indebtedness be not paid on or before the first day of November of that year it shall then be the duty of the county auditor of said county to cause the amount of said indebtedness to be entered upon the tax lists of said county, as a tax against the land owned by the applicant for whom said aid was furnished, to be collected as other taxes are collected under the laws of this state. ('17 c. 21 § 7)

[745—]10. **Same—Marketing crops—Payment to auditor**—Each and every person who has received seed or feed, or both, under the provisions of this act, shall, as soon as his crops for the year wherein payment is to be made are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract and pay the same over to the auditor of his county. ('17 c. 21 § 8)

[745—]11. **Same—Wrongful disposal of seed, feed or crop—False swearing—Penalty—Title and right of possession of county—Conversion**—Any person, or persons, who shall, contrary to the provisions of this act, sell, transfer, take or carry away, or in any manner dispose of the seed or feed, or any part thereof, furnished by the county under this act or shall use or dispose of said seed or feed, or any part thereof, for any other purpose than that of planting or sowing with same as stated in this application and contract, or shall sell, transfer, take or carry away, or in any manner dispose of the crop or any part thereof produced from the sowing or planting of said seed, before the same is paid for, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty dollars, nor more than one hundred dollars, or may be imprisoned in the county jail for a term of not less than thirty days nor more than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said contract in the office of the register of deeds, and the sowing of the seed obtained therefor, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the county which shall have furnished the seed until the debt incurred for said seed or feed, shall have been paid, and any seizure thereof or interference therewith except by the applicant and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt aforesaid, shall be deemed a conversion thereof and treble damages may be recovered against the person so converting the same by the county furnishing said seed and feed. ('17 c. 21 § 9)

[745—]12. **Same—Duties of town and county officers—Complaint and arrest**—It shall be the duty of the constable and town clerks of the towns and the members of the county board, sheriffs and county attorneys of the counties furnishing seed or feed, having any knowledge of the violation of the provisions of this act, to make complaint thereof to a justice of the peace, and said justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter, or to bind the offender over to appear before the grand jury, as the case may be. ('17 c. 21 § 10)

[745—]13. **Same—Pro rata distribution**—If more seed grain is applied for than can be supplied by the board, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this act. The board shall have the right to refuse any application which they may deem improper to grant, and they may revise their adjustment of applications at any time before final distribution. ('17 c. 21 § 11)

[748—]1. **Improving navigable lakes, etc., in counties having not less than 150,000 nor more than 220,000 inhabitants**—That whenever there exists in any organized county in the State of Minnesota, now or hereafter having a population of not less than 150,000 inhabitants, nor more than 220,000 inhabitants, a navigable lake or lakes which is, or are, wholly, or as to the greater part thereof, within the limits of said county, the board of county commissioners of said county is hereby authorized and empowered to appropriate not to exceed the sum of ten thousand (\$10,000.00) dollars from the general revenue fund of said county, for public improvements on or about said lake or lakes, or on or about any stream emptying into such lake or lakes, or connecting one of such lakes with another of such lakes, by dredging or opening the channel of navigation in such lakes, by dredging or opening the channel of navigation in such lake or in such stream, or otherwise improving the same.

Provided, that the population of any county shall be determined by the official census next preceding any appropriation made under the provisions of this act. ('17 c. 117 § 1)

749. **Patrolling lakes in counties having not less than 200,000 nor more than 275,000 inhabitants**—The chairman of the board of county commissioners of any county to which this act shall apply, may appoint and employ, during his pleasure, subject to the approval of the county board of such county, not more than two persons to police and patrol the lakes and waters lying or being wholly or partly within said counties. (Amended '17 c. 160 § 1)

[759—]1. **Soldiers rest plot in cemeteries**—The Board of County Commissioners of any county in this state may purchase a plot of ground in any duly organized cemetery, lying in whole or in part in their respective counties, to be designated, set aside and used exclusively as a "Soldiers Rest," and appropriate for the payment thereof not to exceed the sum of one thousand (\$1,000.00) dollars in any one year. Provided, however, that any county in this state now having or which may hereafter have a population of not less than 150,000 inhabitants may appropriate not to exceed the sum of three thousand five hundred (\$3,500.00) dollars in any one year. ('17 c. 60 § 1)

[759—]2. **Same—Use of plots**—Any plot of ground secured as herein provided and designated as a "Soldiers Rest" shall be used exclusively for the interment of deceased, indigent, active or discharged soldiers, sailors and marines of the United States of America, without charge for space therein. ('17 c. 60 § 2)

[759—]3. **Same—Penalty for violation**—Any person interring or causing to be interred a body not within the provisions of this act, or making a charge for a burial lot in such "Soldiers Rest," shall be guilty of a misdemeanor. ('17 c. 60 § 3)

[759—]4. **Soldiers and sailors monument in certain counties**—That the county board in any county of this state now or hereafter having taxable property of an assessed valuation of not less than \$300,000,000, and having

therein a city of the first class, may at any time after the taking effect of this act, appropriate and expend from the general revenue fund of said county, a sum not exceeding \$20,000 to defray part of the cost of providing and erecting a suitable public monument in memory of the soldiers and sailors of the nation, upon a location in said county within four hundred feet of the county court house in said county, provided a sum equal to that appropriated and expended by such county shall also be contributed to the cost of furnishing and erecting such monument, by any such city of the first class in said county and by private donations, or by either of the same, to defray the remainder of the cost of furnishing and erecting such monument. ('17 c. 27 § 1)

[763—]1. **Refundment of money paid for clerical assistance**—Wherever any county officer has heretofore paid any amount for clerical assistance in his office, and the county board has heretofore approved such payment by such officer and its repayment to such officer, then such amount may be paid by such county to such officer in the same manner that ordinary claims allowed by county boards are paid. ('15 c. 39 § 1)

### 773. Section corners—

Monuments placed by a county surveyor pursuant to this section, in the absence of other evidence, show prima facie the section corners and quarter posts of the government survey (124-233, 144+758). Boundaries, Ⓒ40(2).

## TERMS OF CERTAIN COUNTY OFFICERS

809-810. [Superseded.]

See §§ [810—]1 to [810—]3.

[810—]1. **Auditor, treasurer, sheriff, register of deeds, attorney, clerk of district court, court commissioner, coroner, surveyor, superintendent of schools**—In every county in this state there shall be elected at the general election in 1918 a county auditor, county treasurer, sheriff, register of deeds, county attorney, clerk of the district court, court commissioner, coroner, county surveyor and county superintendent of schools. ('15 c. 168 § 1)

Section 4 repeals inconsistent acts, etc.

Cited (133-65, 157+907).

132-426, 157+652.

This section is not violative of Const. art. 11 § 4, and art. 7 § 9 (133-65, 157+907). Counties, Ⓒ65.

[810—]2. **Same—Terms**—The terms of office of the said county officers shall be four (4) years and until their successors are elected and qualified, and shall begin on the first Monday in January next succeeding said election, and said offices shall be filled by election every four (4) years thereafter. ('15 c. 168 § 2)

Cited (133-65, 157+907).

This section is not violative of Const. art. 11 § 4, and art. 7 § 9 (133-65, 157+907). Counties, Ⓒ65.

Where the successor is not "elected," the former incumbent, defeated for re-election, holds over (131-401, 155+629). Officers, Ⓒ54.

The extension of the term to four years by the act of 1915, and providing that the officers named shall hold their offices until their successors are elected and qualified, are not unconstitutional as extending the term of office to a period of more than seven years, in violation of Const., art. 6 § 9, and art. 7 § 9, fixing the commencement of the official year, since an election for a period longer than seven years would be valid to the extent of the constitutional period (131-401, 155+629). Judges, Ⓒ7, 9.

An opposing candidate, a candidate for re-election to the office of county superintendent of schools, unsuccessfully contested the election of the successful candidate, and surrendered the office to the contestee, who qualified and assumed the duties of the office. On appeal, however, a judgment of ouster was entered against contestee, who resigned, and respondent was appointed to fill the vacancy. Held, that a vacancy existed, which authorized the appointment of respondent, and contestant did not hold over under this section (131-1, 154+442). Schools and School Districts, Ⓒ48(3).

[810—]3. **Same—Present officers—Vacancies—Appointments**—Any person now holding any one of the said offices, whether by election or appointment, shall continue in such office until the first Monday in January A. D. 1919; and any appointment made to fill a vacancy in any of the said offices

shall be for the balance of such entire term. All appointments under the provisions of this act, shall be made by the county board. ('15 c. 168 § 3)

Cited (133-65, 157+907).

Laws 1915 c. 168, by providing that clerks elected in 1912 shall continue in office until the first Monday in January, 1919, and that their successors shall be elected in November, 1918, thus extending the term of present incumbents, and creating a vacancy to be filled by the governor in January, 1917, is violative of Const. art. 6 § 13, art. 7 § 9, and art. 11 § 4 (132-426, 157+652). Clerks of Courts, ~~3~~, 7.

## COUNTY AUDITOR

### 811. Election—Term—

Cited in dissenting opinion (131-401, 155+629).

### 812. Bond—

The sureties on the bond of the auditor are not liable for money paid to the auditor under §§ 3153, 6083, and 6090, post, and converted by the auditor, since the money is directed to be paid to the county treasurer, and its receipt by the auditor was outside the scope of his official duties (133-274, 153+394). Counties, ~~3~~98(1).

824. Salaries in counties having not less than 220,000 and less than 300,000 inhabitants—Deputies, clerks and assistants—That in all counties in this state that now have or may hereafter have, according to last completed state or national census, a population in each of not less than two-hundred and twenty-thousand (220,000) inhabitants and less than three-hundred thousand (300,000) inhabitants, the salary of the county auditor shall be and is hereby fixed as at the rate of four-thousand five-hundred (\$4,500.00) dollars per annum; and in all such counties the auditor shall appoint and employ one chief deputy who shall be paid at the rate of two-thousand five-hundred (\$2,500.00) dollars per annum; one deputy and commissioners clerk who shall be paid at the rate of one-thousand eight-hundred (1,800.00) dollars per annum; one deputy and book-keeper who shall be paid at the rate of one-thousand eight-hundred (\$1,800.00) dollars per annum; one chief clerk and one draughtsman who shall be paid at the rates of one-thousand three-hundred (\$1,300.00) dollars per annum; one deputy who shall be paid at the rate of one-thousand six-hundred (\$1,600.00) per annum; one settlement clerk and assistant book-keeper who shall be paid at the rate of one-thousand three-hundred (\$1,300.00) dollars per annum; three counter deputies who shall be paid at the rates of one-thousand two-hundred (\$1,200.00) dollars per annum; four general clerks who shall be paid at the rates of one-thousand one-hundred (\$1,100.00) dollars per annum. One stenographer and comptometer operator who shall be paid at the rate of one-thousand (\$1,000.00) dollars per annum; which above named salaries shall be payable out of the county treasury in equal monthly instalments except as hereinafter provided.

Provided, that any such county auditor shall have authority to command and employ, without additional compensation to that of such deputy or other employee's usual compensation and when, and as often and to such extent as said county auditor may deem proper, the services of any deputy or other employee in said county auditor's office for any work of said office, whether or not such work be the usual work of such deputy or other employee, or be partly or wholly the usual or proper function of some other deputy or employee.

And provided, further, that any such county auditor may, during any year, at his discretion and as often and for as long as he sees fit, reduce the number of said four general clerks, and that the salary amounts which may be saved, together with whatever has been saved during such year through necessary vacancies among other deputies, clerks and assistants of said county auditor's office, and to any extent needful in said county auditor's judgment, be used in same year by him in hiring extra clerks at the same rate of pay respectively as each of said general clerks, for any of the regular work of his office when the same is greater or more hurried than is common throughout the year. (Amended '15 c. 133; '17 c. 474 § 1)

826. Additional salaries in certain counties—In all counties of this state having a population of 24,000 or more inhabitants where the salary of the county auditor of such county is by special law fixed at the sum of twelve

hundred dollars (\$1,200) or less, said county auditor shall hereafter receive as salary in addition to said sum provided by said special law the sum of one thousand dollars (\$1,000) annually payable in monthly installments. (Amended '17 c. 82 § 1)

**827. Salaries of auditors and treasurers in counties having an area of more than 2,500 square miles and valuation of more than \$20,000,000 and not more than \$30,000,000**—In each county of this state, having an area of more than two thousand five hundred square miles, and having or which may hereafter have an assessed valuation of more than twenty million dollars and not more than thirty million dollars, according to the assessment for the last preceding year, the county auditor and county treasurer thereof shall each receive an annual salary of three thousand dollars; and such county auditor and county treasurer shall be allowed for clerk hire as follows: Upon each dollar of such assessed valuation, not exceeding twenty-five million dollars, the county auditor shall be allowed one-fourth of one mill, and the county treasurer one-tenth of one mill; and upon all sums in excess of twenty-five million dollars, the county auditor shall be allowed one-twelfth of one mill, and the county treasurer one-thirtieth of one mill, on each dollar. Such salaries and allowances for clerk hire shall be paid monthly out of the county treasury upon the order of the county auditor. ('11 c. 128, amended '15 c. 338 § 1)

**[829—]1. Salaries of auditors and treasurers in counties having not less than 70 and not more than 80 townships and a valuation of not less than \$3,000,000 nor more than \$5,000,000**—In each county of this state now or hereafter containing not less than seventy congressional townships and not more than eighty congressional townships and having at any time an assessed valuation of not less than three million dollars and not more than five million dollars, as finally equalized by the state tax commission, the county auditor and county treasurer shall each receive a salary of eighteen hundred dollars a year, payable in equal monthly installments out of the county treasury. ('15 c. 24 § 1)

**[829—]2. Same—Allowances for clerk hire**—The sum of fifteen hundred dollars per annum shall be allowed the county auditor and the sum of seven hundred and twenty dollars per annum shall be allowed the county treasurer of any such county for clerk hire, in such offices, which clerk hire shall be paid in the same manner as the salaries of other employees of such county. ('15 c. 24 § 2)

**[829—]3. Same—Application**—This act shall not apply to any county where salaries of such county officials are now fixed by special law. ('15 c. 24 § 3)

**[829—]4. Salaries of auditors in counties having not less than 50 nor more than 70 townships and valuation of not more than \$3,000,000**—In each county of this state now or hereafter containing not less than fifty congressional townships and not more than seventy congressional townships and having at any time an assessed valuation of not more than three million dollars, as finally equalized by the state tax commission each year, the county auditor shall receive a salary of fifteen hundred (\$1,500.00) dollars a year, payable in equal monthly instalments out of the county treasury. ('15 c. 139 § 1)

**[829—]5. Same—Clerk hire for auditor and treasurer**—The sum of nine hundred (\$900.00) dollars per annum shall be allowed the county auditor and the sum of four hundred eighty (\$480.00) dollars per annum shall be allowed the county treasurer of any such county for clerk hire, in such offices, which clerk hire, or so much thereof as shall be found necessary, shall be paid in equal monthly installments in the same manner as the salary of other employees of such county to the persons actually rendering the services as such clerks. ('15 c. 139 § 2)

**[829—]6. Same—Application**—This section shall not apply to any county where the salary or clerk hire of such county officials are now fixed by special law. ('15 c. 139 § 3)

**835. Clerk hire in certain counties**—In each County of this State containing 75 or more congressional townships of land and having an assessed valuation of more than six million dollars, the County Auditor thereof shall be allowed for clerk hire, for the year 1915, and for each year thereafter, three-fifths of one mill on each dollar of assessed valuation, not exceeding six million dollars; one-fourth of one mill on each dollar on all sums in excess of six million dollars and not exceeding twelve million dollars; and on all sums in excess of twelve million dollars, one-twentieth of one mill on each dollar; to be paid in the manner provided by the laws of this State relating to the payment of clerk hire allowed County Auditors; provided, that in any such County where the public service would appear to demand it, the County Board may grant an additional sum for clerk hire in the office of the County Auditor, when such additional sum has been approved by the Attorney General and the Public Examiner. (Amended '15 c. 91 § 1)

**839. Additional clerk hire for auditor and treasurer in certain counties**—That in counties having a population of not less than 24,000 and not more than 28,000 inhabitants, according to the last official census, where the salaries of the auditor and treasurer are fixed by special law the auditor and treasurer shall each be allowed for clerk hire, not to exceed the sum of twelve hundred dollars (\$1,200.00) per annum, to be paid monthly out of the county treasury, upon the order of the county auditor, and no allowance for such clerk hire shall be made or received in any case except for services actually rendered. (Amended '17 c. 79 § 1)

### COUNTY TREASURER

**841. Election—Term—**  
131-401, 155+629.

**843. Failure to qualify—**  
131-401, 155+629.

**847. Funds, where deposited—**  
Cited (123-59, 142+945).

[853—]1. **Charging off certain uncollectible balances in certain counties**—In all counties in this state now or hereafter having a population of three hundred thousand (300,000) or over, if the county board determines by resolution that balances due from banks that were county depositaries, and which banks suspended and became defunct prior to 1895, are uncollectible against said banks, their sureties and their stockholders, it may authorize and direct the county auditor and the county treasurer to charge off and cancel all such uncollected and uncollectible balances upon their respective books and records, and to charge such canceled amounts against the state, the county and cities within said county in proportion to the amount each had on deposit in said banks at the time of their suspension. ('15 c. 148 § 1)

[853—]2. **Charging off certain uncollectible balances**—In all counties in this state now or hereafter having a population of 300,000 or over, if the county board determines by resolution that balances due from banks that were county depositaries, and which banks suspended and became defunct prior to 1898, are uncollectible against said banks, their sureties and their stockholders, it may authorize and direct the county auditor and the county treasurer to charge off and cancel all such uncollected and uncollectible balances upon their respective books and records, and to charge such canceled amounts against the state, the county and cities within said county in proportion to the amount each had on deposit in said banks at the time of their suspension. ('17 c. 101 § 1)

**870. To pay and cancel orders—**

As to issue of duplicate where order or warrant is lost or destroyed, see §§ [1846—]4 to [1846—]7.

**874. Salary of treasurer in counties having 200,000 and not more than 300,000 inhabitants**—The county treasurer of each county in this state hav-

ing or which may have hereafter a population of 200,000 inhabitants or over, and not more than 300,000 inhabitants, shall be paid a salary of four thousand and five hundred dollars (\$4,500.00) per annum. (Amended '15 c. 135; '17 c. 472, § 1)

**875. Same—Deputies, clerks, etc.—Salaries—**The county treasurer of each county shall appoint and employ one chief deputy, who shall be paid the sum of two thousand five hundred dollars (\$2,500.00) per annum; one deputy who shall have charge of the statement department, who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum; one deputy who shall have charge of the settlement and collection registers, who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum; eight clerks who shall be paid the sum of eleven hundred dollars (\$1,100.00) per annum each; one cashier or teller, who shall be paid the sum of two thousand dollars (\$2,000.00) per annum; one deputy who shall have charge of the inheritance and mortgage tax collections, who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum; one accountant or bookkeeper who shall be paid the sum of fifteen hundred dollars (\$1,500.00) per annum.

He may also employ such other additional or extra help as the business of his office may require during each year, providing that no such other person or extra help so employed, shall be paid compensation greater than at the rate of one hundred dollars (\$100.00) per month and that the entire compensation for such extra help shall not exceed four thousand dollars (\$4,000.00) in any one year. Any of said four thousand dollars (\$4,000.00) appropriated for such extra help remaining unexpended in any one year, shall be turned back to the general fund. (Amended '15 c. 135; '17 c. 472 § 1)

**879. Additional salary in certain counties—**In all counties of this State having a population of 24,000 or more inhabitants where the salary of the county treasurer is by special law fixed at the sum of one thousand dollars (\$1,000) or less, the county treasurer of such county shall hereafter receive as salary in addition to the said sum provided by such special law the sum of twelve hundred dollars (\$1,200) annually, payable in monthly installments. (Amended '17 c. 80 § 1)

**880. Clerk hire in counties having area of less than 2,500 square miles and valuation of more than \$14,000,000 and less than \$35,000,000—**In each county of this state having an area of less than 2,500 square miles and which now has or may hereafter have an assessed valuation of more than fourteen million dollars (\$14,000,000) and less than thirty-five million dollars (\$35,000,000) according to the assessment of the last preceding year the county treasurer shall be allowed for clerk hire one-twelfth of one mill for each dollar of such assessed valuation. Such allowance for clerk hire shall be paid monthly out of the county treasury upon order of the county auditor. (Amended '17 c. 206 § 1)

**[881—]1. Payment of clerk hire in certain counties legalized—**All payments heretofore made for clerk hire in the office of the county treasurer in any county then having an assessed valuation of more than fourteen million dollars and less than eighteen million dollars, according to the assessment of the last preceding year, not exceeding, for any one year, one-twelfth of one mill upon each dollar of such assessed valuation, is hereby legalized and made valid. ('17 c. 330 § 1)

**[882—]1. Clerk hire in counties having 75 townships and valuation of not less than \$6,000,000 nor more than \$10,000,000—**In each county of this state containing seventy-five (75) or more congressional townships of land and having an assessed valuation of not less than six million nor more than ten million dollars, the county treasurer thereof shall be allowed for clerk hire for the year 1915 and each year thereafter, the sum of eight hundred dollars (\$800.00), to be paid in the manner provided by the laws of this state, relating to the payment of clerk hire allowed county treasurers. ('15 c. 9 § 1)

**[882—]2. Clerk hire in counties having not less than 55 nor more than 57 townships and valuation of not less than \$5,000,000 nor more than \$10,-**

000,000—In each county of this State, containing not less than fifty-five (55) nor more than fifty-seven (57) Congressional townships of land, and having an assessed valuation of not less than five million dollars (\$5,000,000.00) nor more than ten million dollars (\$10,000,000.00) the County Treasurer thereof shall be allowed for clerk hire for the year 1915 and each year thereafter, not less than four hundred eighty dollars (\$480.00) nor more than nine hundred dollars (\$900.00), the amount to be determined by the Board of County Commissioners of said County and to be paid in the manner provided by the laws of this State relating to the payment of clerk hire allowed the County Treasurer. ('15 c. 89 § 1)

## REGISTER OF DEEDS

**885. Election—Term—**

Cited in dissenting opinion (131-401, 155+629).

**888. Reception books—**

The entries in the reception book and the transcribing of the instrument into the record book together constitute the full record of the deed, and a purchaser is charged with notice of any facts which either book contains with reference to the title of his proposed grantor (135-109, 160+259). Vendor and Purchaser, ~~231~~231(1).

[903—]1. **Transcribing abstracts of title in certain counties—**That in counties having within them no city of the first class, but having abstracts of land title of record in the office of the register of deeds, the county board is hereby authorized and empowered to have such abstract records transcribed, compared with the original records and checked back whenever the immediate necessity for so doing appears to the said board. ('17 c. 97 § 1)

Section 3 repeals inconsistent acts, etc.

[903—]2. **Same—Compensation—**The work provided for in section 1 of this act [903—1] shall be performed by the register of deeds and persons employed by him therefor. The said register of deeds for performing said work shall receive as compensation such sum as may be fixed by the county board of his county not exceeding two cents for each description, transfer or entry so transcribed, compared with the original records and checked back. Provided, however, that the total amount to be paid for performing said work shall not in any county exceed two thousand five hundred dollars (\$2,500.00) within any 20 years, nor shall any county during any period of 20 years pay, nor the register of deeds of said county during such time receive, for such work to exceed the said sum of two thousand five hundred dollars (\$2,500.00). ('17 c. 97 § 2)

907. **Deputies in counties having less than 75,000 inhabitants—**The county board of every county having a population of less than 75,000 inhabitants, may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county, compensation for his or her services as such deputy, not exceeding \$900.00 per year. (Amended '17 c. 83 § 1)

[907—]1. **Same—Special law—**This act shall not apply to counties wherein the salaries of county officials are fixed by special law. ('17 c. 83 § 2)

919. **Salary in counties having not less than 200,000 and less than 275,000 inhabitants—**The salary of the Register of Deeds of each county of this state having or which may hereafter have a population of not less than 200,000 and less than 275,000 inhabitants, shall be four thousand five hundred (\$4,500) dollars per annum; and during the time the Register of Deeds shall also act as Registrar of Titles he shall receive in addition thereto the sum of five hundred (\$500) dollars per annum. ('11 c. 366 § 1, amended '15 c. 119 § 1)

920. **Same—Deputies and other officers—**Such register of deeds shall appoint and employ one chief deputy who shall be paid a salary of twenty-five hundred dollars per annum, one second deputy who shall be paid a salary of fifteen hundred dollars per annum, one chief comparer who shall be paid a salary of twelve hundred dollars per annum, one assistant comparer who shall be paid a salary of one thousand dollars per annum, one indexer who shall be

paid a salary of one thousand dollars per annum, and one general clerk who shall be paid a salary of one thousand dollars per annum. ('11 c. 366 § 2, amended '17 c. 376 § 1)

[923—]1. **Salary of register in certain counties**—The county board shall, at its January meeting in each year, fix the salary of the register of deeds in each and every county in which there are not less than forty-eight townships, which has an area of not less than one million acres nor more than a million and a half acres, and whose population according to the census then last taken was not less than fifteen thousand nor more than thirty thousand, and whose valuation is not less than ten million dollars nor more than twenty-five million dollars; and said salary, not to exceed two thousand five hundred dollars (\$2,500.00) a year, payable in twelve equal monthly installments, shall be full compensation for the individual work of said register of deeds, as such official. ('17 c. 202 § 1)

By § 4 this act takes effect January 1, 1918.

[923—]2. **Same—Deputies and clerks and salaries**—The register of deeds may appoint such deputies and clerks as he may deem necessary for the work of the office and recommend a salary to be paid them and each of them, but said appointment shall not take effect until it is approved by the county board, nor shall the salary recommended be given until the same is also approved by such county board, and said approval shall be made at the January meeting of the board on [in] each year. If the register of deeds shall not have made his said appointments before the said meeting, the county board shall do so instead of said official. ('17 c. 202 § 2)

[923—]3. **Same—Fees**—All of the fees taken by the register of deeds and all office compensation and emoluments due for any work done, which it is the duty of the register of deeds to do, shall be collected by him and remitted to the county treasurer and by him placed in and charged to the general revenue fund of the county. ('17 c. 202 § 3)

#### [ABSTRACT CLERKS]

[923—]4. **Abstract clerks in counties having over 200,000 and not over 300,000 inhabitants—Election—Term**—That in all counties in the State of Minnesota, now, or hereafter having a population of over two hundred thousand and not over three hundred thousand population, the abstract clerk to which any such county is entitled by law, shall be elected at the general election for county officers to be held in the year A. D. 1918, and each four years thereafter, and his term of office shall be for four years and until his successor is elected and qualified. ('15 c. 215 § 1)

Section 3 repeals inconsistent acts, etc.

[923—]5. **Same—Present officers**—The term of office of all abstract clerks now in office in any county embraced in section one of this act shall continue until their successors are elected at the general election in the year 1918, and until such successors qualify as provided by law. ('15 c. 215 § 2)

#### SHERIFF

##### 924. Election—Term—

Cited in dissenting opinion (131-401, 155+629).

##### 927. Powers and duties—

Liability of sheriff for failure to serve notice of expiration of period for redemption from tax sale (see 129-11, 151+407). *Sheriffs and Constables*, ¶101, 137(1).

##### 934. County jail—

161+210; note under § 9334.

942. **Same—Deputies, etc.—Salaries**—Such sheriff shall appoint and employ the following deputies, assistants and employes: One chief deputy, who shall be paid a salary of two thousand five hundred dollars per annum, one bookkeeper and cashier, who shall be a deputy sheriff, who shall be paid a salary of eighteen hundred dollars per annum; one assistant bookkeeper,

(who shall be a deputy sheriff), who shall be paid a salary of nine hundred dollars per annum; one stenographer, who shall be paid a salary of nine hundred dollars per annum; seven deputy sheriffs, who shall be known as outside deputies, each of whom shall be required to pay his own traveling expenses within such county; three of said deputies shall be paid each, a salary of one thousand, five hundred dollars per annum; one of said deputies shall be paid a salary of one thousand, three hundred dollars per annum, and it shall be the duty of such deputy in addition to such other deputies, as may be assigned to him, to care for all insane persons in the custody of the sheriff, and to attend upon the sessions of the probate court in and for said county; three of said deputies shall be paid, each, a salary of one thousand, two hundred dollars. ('09 c. 361 § 2, amended '13 c. 203 § 2; '15 c. 137 § 2; '17 c. 510 § 1)

1909 c. 361 § 2, as amended by 1913 c. 203 § 1 (not 2), and by 1915 c. 137 § 1 (not 2). 1917 c. 510, § 1 designates the sections erroneously.

**943. Same—Court room deputies, etc.—Salaries—**He shall also appoint at least as many additional deputies, to be known as court room deputies, as there may be judges of the district court in and for any such county, whose duties it shall be, in addition to such other duties as may be required of them as such deputies, to attend to the sessions of the said district court, also one additional deputy to be known as a municipal court deputy, whose duty it shall be in addition to such other duties as may be required of him as such deputy, to attend to the sessions of the said municipal court, and also one other deputy, who shall, in addition to such other duties as may be required of him as such deputy, have charge of the juries at criminal trials conducted in said district court, and the salary of each of the aforesaid deputies is hereby fixed at one thousand one hundred dollars per annum. ('09 c. 361 § 3, amended '13 c. 203 § 2; '17 c. 481 § 1)

**944. Same—Jailers, etc.—Salaries—**In any such county in which any such sheriff may be in charge of a county jail, he shall also appoint a matron thereof, whose salary is hereby fixed at seven hundred and twenty dollars per annum; an assistant matron, whose salary is hereby fixed at six hundred dollars per annum; a chief jailor, whose salary is hereby fixed at one thousand two hundred dollars per annum, and seven assistant jailors, the salary of each of whom is hereby fixed at one thousand dollars per annum, and the said chief jailor and each of his said assistants shall also be deputies. ('09 c. 361 § 4, amended '13 c. 203 § 3; '17 c. 481 § 2)

**[945—]1. Counties having 200,000 and not more than 275,000 inhabitants—Automobiles—**The board of county commissioners of any county in this state now or hereafter having a population of not less than 200,000 inhabitants and not more than 275,000 inhabitants is hereby authorized and empowered to appropriate and expend a sum not exceeding three hundred (\$300.00) dollars per annum payable in equal monthly installments, for compensating each deputy sheriff in said county for the use of any automobile owned by such deputy and used by him in the performance of his duties; provided, however, that not more than two deputies in any such county shall be so compensated during the same period. ('17 c. 256 § 1)

**[945—]2. Same—Resolution of board—**If such board shall consider it advisable to take advantage of the provisions of this act, it may adopt a resolution declaring that a deputy sheriff, or deputy sheriffs therein named, are employed by the sheriff of such county in the performance of work in which such deputy sheriffs habitually use automobiles owned by them, and directing that the auditor of such county shall issue his warrant monthly in said sum of twenty-five (\$25.00) dollars to each of said deputies therein named, upon the filing with said auditor of a certificate by the sheriff of said county declaring that said deputies during the month preceding the date of said certificate, were employed by him as deputies and habitually used, in the performance of their duties, automobiles owned by them. ('17 c. 256 § 2)

**[945—]3. Same—Warrants—**After the adoption of said resolution the county auditor of such county shall issue his warrants in favor of each of the

deputy sheriffs named in such resolution each month in said sum of twenty-five (\$25.00) dollars and said sums shall be paid at the same time and in the same manner as salaries are now paid to such deputy sheriffs. ('17 c. 256 § 3)

[958—]1. **Counties having not less than 80 and valuation of more than \$20,000,000 and less than \$50,000,000—Salary**—In each county in this state, now or hereafter containing not less than eighty congressional townships and now or hereafter having an assessed valuation of more than twenty million dollars and less than fifty million dollars, the sheriff shall receive an annual salary of thirty-six hundred (\$3,600.00) dollars. ('17 c. 156 § 1)

Section 7 repeals 1913 c. 390, and inconsistent acts, etc.

By § 8 the act takes effect May 1, 1917.

[958—]2. **Same—Duties of Sheriff**—The sheriff in any such county shall perform all the duties and services now or which may hereafter be required by law to be performed by him, and in addition shall serve all papers and post all notices named by law to be served or posted in behalf of the state or county for which he is elected, including all papers to be served or notice to be posted by the board of county commissioners, the county auditor, or any other county official. ('17 c. 156 § 2)

[958—]3. **Same—Deputies, bailiffs, etc.—Salaries**—The sheriff in any such county shall appoint and employ a chief deputy who shall be paid an annual salary of sixteen hundred eighty (\$1,680.00) dollars; a second deputy who shall be paid an annual salary of fifteen hundred (\$1,500.00) dollars; and a third deputy who shall be paid an annual salary of thirteen hundred twenty (\$1,320.00) dollars; one jailor who shall be paid six hundred (\$600.00) dollars per annum; one additional deputy during such times as the district court is in session in his county, and such other and additional deputies, bailiffs, or court officers as may from time to time be required, ordered, or authorized by a judge of said district court, or by the county commissioners of said county, each such additional deputy, bailiff, or court officer to receive a salary at the rate of not to exceed one hundred (\$100.00) dollars per month. The salaries of all such deputies, jailors, bailiffs, and court officers shall be paid by the county. ('17 c. 156 § 3)

[958—]4. **Same—Payment of salaries and expenses**—The salaries aforesaid shall be paid monthly in the same manner as other county officials are now paid, and the same shall be in full compensation for all services rendered by said officers except as hereinafter provided; provided that such sheriff shall be allowed the expenses necessarily incurred by him or any of his deputies in the performance of their official duties which shall be allowed and paid, in the same manner as other claims against such counties are paid and allowed, except that expenses incurred by them in performing the services required by them in connection with insane persons and transportation of criminals and other persons to state institutions, and other charges and expenses incidental thereto shall be allowed and paid as by law in such cases provided.

All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery, signed by the persons to whom paid, and if the sheriff uses his own team or automobile in the necessary performance of the official duties of his office, he shall be allowed for the use thereof such reasonable amount as the use of a team or automobile could be hired for, under the same circumstances, from any person engaged in the livery business in the same locality; not, however, to exceed eight cents per mile for each mile actually traveled, and no charge shall be made, or paid, for time consumed by such sheriff's conveyance in waiting; provided, further, that nothing in this act contained shall be construed to prevent such sheriff from collecting all fees, mileage, and other expenses or charges provided for, or authorized by law and not herein otherwise mentioned, from the state or any department thereof, or any other person or corporation other than his county, and said sheriff shall, on the first Monday of each month, file with the county auditor of his said county, a correct statement of all such fees, mileage, expenses, and other charges received by him and turn all moneys into the county treasurer. ('17 c. 156 § 4)

[958—]5. **Same—Bloodhounds**—The sheriff in any such county, when authorized to do so by the board of county commissioners, may purchase and keep at the expense of the county, a pair of bloodhounds for use in pursuing and apprehending criminals and fugitives. ('17 c. 156 § 5)

[958—]6. **Same—Application of other provisions**—Nothing herein contained shall be construed to repeal, amend, or modify the provisions of chapter 257 of the General Laws of 1907 [9339], with reference to matrons, night watchman, and assistant jailers; nor the provisions of chapter 192, Laws of 1909 [9344], with reference to boarding of prisoners. ('17 c. 156 § 6)

[963—]1. **Certain counties having less than 55,000 inhabitants—Salary**—Counties having less than fifty-five thousand inhabitants according to the then next preceding census, state or federal, shall pay to their sheriffs an annual salary and their expenses for official services rendered by them for their respective counties in lieu of fees as heretofore provided, excepting in counties having an area of more than twenty-five hundred square miles and a population of more than fifteen thousand and less than nineteen thousand. ('17 c. 312 § 1)

[963—]2. **Same—Classification of counties**—Counties having an area of less than twenty-three hundred square miles shall be divided into classes according to their population as follows:

Those having less than ten thousand inhabitants shall constitute class A. Those having ten thousand or more but less than fifteen thousand shall be class B. Those having fifteen thousand or more but less than twenty thousand shall be class C. Those having twenty thousand or more but less than twenty-five thousand shall be class D. Those having twenty-five thousand or more but less than thirty thousand shall be class E. Those having thirty thousand or more but less than thirty-five thousand shall be class F. Counties having an area of more than twenty-three hundred square miles and a population less than forty thousand and those having thirty-five thousand or more but less than forty thousand inhabitants, shall be class G of this classification of counties as to sheriffs. All counties having a population of forty thousand or more but less than forty-five thousand shall be class H. All counties having a population of forty-five thousand or more but less than fifty thousand shall be class I. All counties having a population of fifty thousand or more but less than fifty-five thousand shall be class K of this classification of counties as to sheriff. ('17 c. 312 § 2)

[963—]3. **Same—Salaries fixed—Expenses**—The several sheriffs of all the above classified counties shall receive a yearly salary and their expenses in lieu of fees for all services rendered by them for their respective counties, excepting those required of them by the tax laws of this state and the salary shall be payable in twelve equal installments each on the last secular day of each month out of the county revenue fund on warrants drawn by the county auditor upon the county treasurer and the minimum amount of those salaries shall be graded according to the classes hereinbefore described, to-wit:

The minimum salaries of sheriffs of the counties included in class A shall be one thousand dollars (\$1,000); class B eleven hundred dollars (\$1,100); class C twelve hundred dollars (\$1,200); class D thirteen hundred dollars (\$1,300); class E fourteen hundred dollars (\$1,400); class F fifteen hundred dollars (\$1,500); class G two thousand dollars (\$2,000); class H twenty-two hundred dollars (\$2,200); class I twenty-four hundred dollars (\$2,400); class K twenty-five hundred dollars (\$2,500). In addition to such salary each sheriff shall be reimbursed for all expenses incurred by him in the performance of his official duties for his county and his claim for such expenses shall be prepared, allowed and paid in the same manner as other claims against counties are prepared, allowed and paid, except that the expenses incurred by such sheriffs in the performance of service required of them in connection with insane persons either by a probate court or by law and a per diem for deputies and assistants necessarily required under such performance of such services shall be allowed and paid as provided by the law regulating the apprehension, examination and commitment of insane persons.

All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery signed by the person of whom it was hired and if the sheriff uses his own team or automobile he shall be allowed therefor the same amount which would be charged reasonably by any other person for the use of such team or automobile under the same circumstances. ('17 c. 312 § 3)

[963—]4. **Same—Increase of salary—Appeal**—If any sheriff desires a higher than minimum salary, he shall make a showing to the county board of his county that such salary is inadequate as compensation for the services likely to be performed by such sheriff during the coming year, at the regular January or July meeting of such county board, the county board may fix the amount of such salary in any just and reasonable sum. Such sum shall remain as the salary of such sheriff throughout his term, unless raised by further order of the board at a subsequent January meeting or on appeal.

Such sheriff or citizens may appeal from the fixing of said salary in the same way in which appeals may be taken from the allowance or disallowance by the county board, of claims presented to it for allowances as against the county. Said appeal may be heard by the district court either in term or during vacation or at chambers upon eight days' notice of such hearing given to the county auditor and the court upon hearing such appeal shall summarily determine the amount of salary to be paid any such sheriff during the remainder of his term of office unless the same be thereafter increased by the county board as hereinbefore provided and the order of the court fixing the salary shall be served by copy upon the county auditor forthwith. ('17 c. 312 § 4)

[963—]5. **Same—Jailers, etc.—Compensation**—The foregoing provisions for the salaries of sheriffs shall not include the salaries or fees of jailers, matrons, deputies whose attendance is required at terms of court, the board of prisoners, nor the payment of any of the expenses hereinafter specifically provided for.

Whenever there is any riot or impending violation of law, and the sheriff shall be of opinion that other than the regular deputies are required, he shall apply to the judge of the district court to determine upon and fix the compensation of such special deputies as the sheriff may name and appoint, and such special deputies so named and appointed and the compensation of whom is fixed by the judge, shall have all the powers assigned to him by said sheriff in such appointment. The appointment by said sheriffs and the fixing of their compensation shall be immediately certified by the sheriff to the clerk of the district court of his county and such certificate filed by such clerk and such special deputies shall be paid in the same manner as deputies in attendance upon terms of court. ('17 c. 312 § 5)

[963—]6. **Same—Compensation for certain services**—For all services rendered by such sheriff or his deputies for which payment is not to be made out of the county revenue fund, he shall be allowed the fees and compensation fixed by law. ('17 c. 312 § 6)

[963—]7. **Same—Deputies—Salaries**—Every sheriff of a county included in the above classified counties shall appoint a sufficient number of persons, as deputy sheriffs in the manner provided by law, he may also appoint a deputy or deputies who shall have a salary, if upon the application to the judge of the district court, such judge deems such appointment necessary.

If he so determines, he shall fix the salary of such deputy or deputies and such salary or salaries shall be payable as are other salaries hereinbefore provided for. ('17 c. 312 § 7)

## COUNTY ATTORNEY

### 964. Term—Bond—

Cited in dissenting opinion (131-401, 155+629).

See (131-401, 155+629), as to right of incumbent of an office to hold over where his successor is not validly elected.

**969. Not to receive fees—Prohibitions—**

While this section may have no application in determining whether a county attorney is entitled to extra compensation for services rendered to the county in county ditch proceedings, such compensation is not recoverable in absence of a statute allowing it (161+382). District and Prosecuting Attorneys, ~~5~~(1).

**970. Other attorney, when—**

This section authorizes the county board to employ an attorney to assist the county attorney in the prosecution of a criminal case, and to pay such attorney out of the funds of the county (133-343, 158+605). District and Prosecuting Attorneys, ~~3~~(1).

If the county attorney, after informal conference with the board in session, undertakes to employ an attorney to assist him in pursuance of authority supposedly, though irregularly, given, the county board may thereafter by ratification adopt his action and make it binding on the county, and the allowance of the bill for services of the attorney so chosen constitutes ratification (133-343, 158+605). District and Prosecuting Attorneys, ~~3~~(1).

**974. Compensation in certain counties—**

A county attorney held not entitled to extra compensation under §§ 5571 and 5614 for services rendered the county in county ditch proceedings, unless his services are required or requested by the county board, or unless the county has a special interest which it is the duty of the county attorney to protect. The question of damages and benefits is not of special interest to the county (161+382). District and Prosecuting Attorneys, ~~5~~(1).

**975. Contingent fund—Expenses—Limit in certain counties—**The county board may set apart yearly a sum not exceeding two thousand dollars as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund. Provided that in counties now having or that may hereafter have a population of not less than forty-five thousand (45,000) nor more than sixty thousand (60,000) and containing an area not less than thirty-five (35) nor more than fifty-five (55) congressional townships, the maximum limit for the contingent fund of the county attorney, appropriated by the county board, shall not exceed the sum of one thousand dollars (\$1,000.00). (Amended '17 c. 307 § 1)

**977. Same—Assistants, etc.—Salaries—**Such county attorney shall appoint and employ one assistant known as first assistant county attorney who shall be paid a salary of three thousand dollars per annum. One assistant known as attorney for county commissioners who shall be paid a salary of two thousand dollars per annum, one assistant known as second assistant county attorney who shall be paid a salary of twenty-two hundred dollars per annum, one assistant known as third assistant county attorney who shall be paid a salary of eighteen hundred dollars per annum, and one stenographer who shall be paid a salary of nine hundred dollars per annum. ('11 c. 88 § 2, amended '15 c. 129 § 1)

1915 c. 129 § 2 repeals inconsistent acts, etc.

**978. Attorney in certain counties—Additional duties and compensation**—In all counties of this state, containing a population of 24,000 inhabitants and over, where the salary of the county attorney is arbitrarily fixed at seven hundred dollars (\$700.00) or less by special law, such county attorneys shall, in addition to the duties now prescribed by law, be required to attend the trial of misdemeanors before justices of the peace of their respective counties, when requested by the justice before whom such action is pending so to do, and furnished with copy of complaint, and shall receive and be paid for his services as such county attorney the sum of seven hundred dollars (\$700.00) per annum in addition to such sum fixed by special law, payable in monthly installments as now provided by law. (Amended '17 c. 81 § 1)

[978—]1. **Counties having 80 townships and valuation of more than \$25,000,000 and less than \$50,000,000—Salary—**In each county of this state now or hereafter containing not less than eighty congressional townships, and now or hereafter having an assessed valuation of more than twenty-five million dollars, and less than fifty million dollars, the county attorney shall

receive an annual salary of three thousand dollars. Such salary shall be paid in equal monthly installments out of the county treasury upon warrants of the county auditor, in the same manner as other county officers are paid. ('15 c. 56 § 1)

[978—]2. **Same—Stenographic help**—In such counties the county attorney may employ stenographic help, to be paid by the county, not to exceed eight hundred dollars per annum, which shall be paid in monthly installments out of the county treasury, upon warrants of the county auditor in favor of the person entitled thereto, and upon order of the county attorney, accompanied by his certificate that the service has been rendered. No allowance for hire of such stenographic help shall be made or received, in any case, except for services actually rendered. ('15 c. 56 § 2)

[978—]3. **Same—Certain acts not affected**—Nothing herein contained shall be construed to amend, modify, repeal, or in any manner, affect the provisions of Chapter 233 of the General Laws of 1909, being Section 975 of the General Statutes 1913, relating to the county attorney's contingent fund. ('15 c. 56 § 3)

### COUNTY SURVEYOR

#### 984. **Lost posts**—

Cited (125-258, 146+1106).

987. **Same—Deputies, etc.—Compensation—Teams or automobiles**—The county surveyor shall appoint and employ two deputies who shall be paid the sum of sixteen hundred dollars (\$1,600) each; also one clerk who shall be paid the sum of one thousand dollars (\$1,000.00) per annum, two rodmen who shall be paid the sum of three dollars (\$3.00) per day for each and every day while actually employed; and two chainmen at the rate of two dollars (\$2.00) per day for each and every day while actually employed. All of said salaries shall be paid on [in] equal monthly installments out of the county treasury upon warrants of the county auditor. The said deputies shall each be required, in addition to the services to be performed for the compensation above provided for, to keep and maintain a team or automobile, and the Board of County Commissioners are hereby authorized to allow not to exceed the sum of four hundred dollars (\$400.00) per annum for each of said deputies for the expense of keeping and maintaining such teams or automobiles. ('13 c. 192 § 2, amended '17 c. 412 § 1)

1917 c. 412 § 2 repeals inconsistent acts, etc.

[988—]1. **Surveyors in counties having area of over 2,500 square miles and valuation of over \$20,000,000 and less than \$50,000,000—Salary**—In each county of this state now or hereafter having an area of more than 2500 square miles, and now or hereafter having an assessed valuation of more than twenty million dollars and less than fifty million dollars, the county surveyor shall receive from such county an annual salary of sixteen hundred dollars, in full payment for all services performed, which shall be paid in equal monthly installments out of the county treasury upon warrants of the county auditor, in the same manner as other county officers are paid, and in addition thereto the county surveyor in such counties shall be allowed and paid from the county treasury the actual expenses necessarily incurred in the performance of his services. ('17 c. 456 § 1)

Section 3 repeals inconsistent acts, etc.

[988—]2. **Same—Deputies, etc.—Compensation**—The county surveyor in any such county may appoint one deputy, who shall receive as compensation for his services the sum of five dollars per day for each day spent by him in the performance of his duties. On application of the county surveyor, the board of county commissioners in such county may designate the number of such other deputies as the board may deem necessary, at the same salary as the first deputy, and the county surveyor shall thereupon appoint such additional deputies in the number so designated, and he may discharge them at pleasure. The county surveyor may also select and appoint as many axmen, chainmen, and rodmen as may be necessary for the proper performance of

the duties of himself and his deputies, who shall receive such compensation as may be determined by the county board. ('17 c. 456 § 2)

**CORONER**

**989. Election—Term—**

Cited in dissenting opinion (131-401, 155+629).

**993. Sheriff a party—Coroner to act—**

Cited (124-162, 144+752, Ann. Cas. 1915B, 377).

[1008—]1. **Counties having 220,000 and not more than 300,000 inhabitants—Coroner to investigate certain deaths—**It shall be the duty of the coroner, in counties having a population of not less than two hundred and twenty thousand (220,000), and not more than three hundred thousand (300,000) inhabitants, to make such investigations as he shall deem necessary and issue his death certificate in all of the following cases and no others: Violent, mysterious and accidental deaths, including suspected homicides, occurring in his county. ('15 c. 272 § 1)

Section 17 repeals inconsistent acts, etc.

[1008—]2. **Same—Interfering with body—Disposition of effects—Powers of coroner in case of crime—**It shall be unlawful for any person, in any such county, in any manner, to remove, interfere with or handle the body or the effects of any deceased person subject to an investigation by the coroner, except upon order of the coroner or his deputy, and the coroner shall receive, take charge of and safely keep the effects found on the body of such deceased persons and make such disposition of the same as the probate court shall direct by written order to said coroner, and if a crime is suspected the coroner shall have the power to prevent any person or persons from coming into or on said premises, or rooms or buildings thereon, and shall have the custody of any objects that he may deem may be of material evidence in the case. ('15 c. 272 § 2)

[1008—]3. **Same—Death certificate—**It shall be unlawful for any person, other than the coroner, to issue a certificate of death in any of the cases set forth in Section 1 [1008—1], and any violation of this section, or Section 2 [1008—2], of this act, shall be a misdemeanor, punishable by fine or imprisonment, or both. ('15 c. 272 § 3)

[1008—]4. **Same—Autopsy—Fees—Duty of chief chemist of state dairy and food department—**The coroner shall order an autopsy when and where he deems proper and physicians called by the coroner to make such autopsies shall receive six dollars (\$6.00) per day and mileage for such services. He may order a chemical analysis or microscopic examination of any portion of a dead body, or matter or other thing material to determine the facts of death. It is hereby made the duty of the chief chemist of the state dairy and food department to make such chemical analysis upon the request of the coroner. ('15 c. 272 § 4)

[1008—]5. **Same—Inquests—Duty of county attorney—**The coroner shall hold inquests only in such cases as he deems there exists probable cause that a crime has been committed. He shall have authority to fix the time and place for holding such inquests. He shall notify the county attorney to appear and conduct the examination of all witnesses at such inquest and in the absence of the county attorney at such proceeding the coroner shall conduct the same. ('15 c. 272 § 5)

[1008—]6. **Same—Summons for jurors—**In every case where he holds an inquest he shall summon as jurors six good and lawful men of said county to appear before him at the time and place specified in the summons, which said summons shall read in substance as follows:

State of Minnesota,

County of .....

State of Minnesota to ....., Greeting:

You are hereby commanded to lay aside your business and excuses and appear before me, coroner of said county at (state time and place) and then

MINNESOTA STATUTES 1917 SUPPLEMENT

and there inquire into the death of ..... and as to how and by what means he or she came to his or her death.

Hereof fail not on penalty that will follow. Given under my hand this ..... day of ..... 19.....

.....  
Coroner.

('15 c. 272 § 6)

[1008—]7. Same—Sheriff or constable to make return—The sheriff or any constable or any other person whom the coroner shall designate, shall forthwith make return of the summons above mentioned and of his doings thereunder, under his hand, to the coroner. ('15 c. 272 § 7)

[1008—]8. Same—Service of process—The coroner, or any person of legal age whom he may designate, shall have the power and authority to serve any and all process or papers issued under the hand of such coroner. ('15 c. 272 § 8)

[1008—]9. Same—Failure of jurors—Other jurors—In case any of the jurors so summoned fail to appear, the coroner may require the sheriff or constable, or any person whom he shall appoint, to return other jurors selected in the foregoing manner, until a jury is obtained, and if any person so summoned as a juror fails to appear without reasonable excuse therefor he shall be subject to the same procedure and punishment for non-appearance and contempt as is now provided by law for juries in the district court. ('15 c. 272 § 9)

[1008—]10. Same—Form of oath to jury—The following oath shall be administered to the jury by the coroner or any of his deputies: "You do swear that you will diligently inquire and due presentment make on behalf of the State of Minnesota, when, how and by what means the person of ..... did come to his or her death, and return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you so help you God." ('15 c. 272 § 10)

[1008—]11. Same—Inquisition of jury—The jury, after hearing the testimony, shall draw up and deliver to the coroner, the inquisition under their hands, in which they shall certify when, how and by what means the deceased came to his or her death, and his, or her, name, if it is known, together with all material circumstances attending his or her death, and if it appears that death was caused by criminal violence or culpable negligence, the jurors shall further state by whom the act was committed, if any, either as principals or accessories, if known, or was in any manner the cause of his or her death, which inquisition shall be in substance as follows:  
State of Minnesota,  
County of .....

Inquisition taken at ..... in the county of ..... on the ..... day of ..... 19....., before ..... coroner of said county of ..... upon the body of ....., by the oath of the jurors whose names are hereunto subscribed, who being sworn to inquire on behalf of the State of Minnesota, when, how and by what means the said ..... came to his, or her, death, upon oath do say (insert here when, how and by what means, persons, weapon or instrument, if any, he or she came to his or her death).

In testimony whereof the said coroner and jurors of this inquisition have hereunto set their hands the day and year aforesaid. ('15 c. 272 § 11)

[1008—]12. Same—Duty of sheriff—The coroner shall have the services of the sheriff or such person as the coroner may designate and appoint, who shall attend any and all inquests upon request of such coroner and perform all duties as are necessary and imposed upon sheriffs or their deputies in district court and take the oath as prescribed for officers in charge of petit jurors. ('15 c. 272 § 12)

[1008—]13. Same—Summoning of witnesses, etc.—The coroner may issue subpoenas and summon such persons as witnesses as he may deem nec-

essary and proper, returnable forthwith, or at such time and place as he shall direct, to give evidence before any inquest or investigation, and such witnesses shall be allowed and paid one dollar per day, for each day's attendance or any fraction thereof, while actually in attendance on such inquest, or investigation, and mileage to and from the place of attendance at the rate of ten cents per mile, which sum shall be allowed and paid out of the county treasury upon warrant of the county auditor thereof and certificate of the coroner that such services have been rendered, and said witnesses shall be subject to the same procedure and punishment for non-attendance or refusal to testify as is imposed by law upon witnesses in the district court and no person shall be excused from answering any question on the ground that his examination will tend to convict him of the commission of a crime, but his answers shall not be used as evidence against him in any criminal proceeding. ('15 c. 272 § 13)

[1008—]14. **Same—Form of oath to witnesses**—The following oath shall be administered to witnesses: "You do solemnly swear that the evidence you shall give at this inquest, or investigation, concerning the death of ..... shall be the whole truth and nothing but the truth, so help me God." ('15 c. 272 § 14)

[1008—]15. **Same—Death within jurisdiction of another coroner**—If, during any proceeding authorized by this act, the coroner finds that death actually occurred within the jurisdiction of another coroner, he shall discontinue further proceedings and hold the body subject to the order of the coroner in whose jurisdiction the death occurred, and he shall immediately notify the coroner having jurisdiction where death occurred, of the main facts in the case, and it shall be the duty of the coroner so notified to immediately institute such proceedings as the law directs had the case come into his hands originally, and all further proceedings shall be held by the coroner of the county in which death occurred. ('15 c. 272 § 15)

[1008—]16. **Same—Police authority**—Police authority is hereby conferred on the coroner and his deputies. ('15 c. 272 § 16)

### SUPERINTENDENT OF SCHOOLS

#### 1009. Election—Term—

Cited in dissenting opinion (131-401, 155+629).

1010. **Salary—Certain counties excepted**—Salaries of county superintendents, except as hereafter provided shall be fixed by the county board, and shall not be less than a sum equal to fifteen dollars (\$15.00) or twelve dollars and fifty cents (\$12.50) as herein provided for each organized public school in the county, to be reckoned pro-rata for the year from the time when a new school, organized in any district, begins. It shall be fixed at not less than fifteen dollars (\$15.00) for each public school in the county, until the salary, reckoned on that basis, reaches one thousand dollars (\$1,000), and in counties where the salary, reckoned at fifteen dollars (\$15.00) per school, shall exceed one thousand dollars (\$1,000) it shall be reckoned on the basis of not less than twelve dollars and fifty cents (\$12.50) for each public school in the county, until the salary reaches two thousand dollars (\$2,000) but in no county shall the salary, reckoned on the basis of twelve dollars and fifty cents (\$12.50) for each school, be less than one thousand dollars (\$1,000). Provided, that when one or more school districts are hereafter discontinued in any county as a result of consolidation, or when school in any school-building is or has been discontinued as a result of consolidation and the children usually attendant thereat are transported to another school in the same or adjoining district by the school authorities, then hereafter the salary of the county superintendent shall be reckoned and an assistant or assistant superintendent, if any, shall be appointed on the basis of the number of schools before such consolidation, or discontinuance, was made. If any county, except as otherwise provided in this Act, the salary of the county super-

intendent may be fixed by the county board at such sum higher than two thousand dollars (\$2,000) as the county board shall determine.

The provisions of this section shall apply to all counties in this state excepting (1) those having a population of one hundred and fifty thousand or more, in which the salary of the county superintendent and the appointment and salary of his assistant shall remain as now fixed by law referring to such counties, and (2) other counties where the salary of county superintendent is now fixed by special law in which last-named counties the salary of the county superintendent shall be fixed by such special law, but all other provisions of this act shall apply to such last-named counties.

The term "school" as used in this act shall be understood to mean a school building in which a public school is held. ('11 c. 216 § 1, amended '15 c. 141 § 1)

### OFFICERS IN COUNTIES HAVING 300,000 INHABITANTS

1021, 1022. [Superseded.]

See § 1023.

[1022—]1. **Same—Duties**—The sheriff shall perform all the duties and services now, or which may hereafter be required by law to be performed by him, and in addition shall serve all papers, post all notices named by law to be served or posted in behalf of the state or of the county for which he is elected, including all papers to be served or notices to be posted by the board of county commissioners, the county auditor, or by any other county officer. ('17 c. 109 § 2)

1023. **Sheriff—Salary—Deputies and employés—Salaries, etc.**—The salary of the sheriff of each county of this state, having or which may hereafter have a population of 300,000 inhabitants or over shall be five thousand dollars (\$5,000.00) per annum.

The sheriff shall appoint and employ one chief deputy who shall be paid the sum of two thousand dollars (\$2000.00) per annum; one bookkeeper, who shall be paid fifteen hundred dollars (\$1500.00) per annum; one stenographer, who shall also act as deputy sheriff, and who shall be paid twelve hundred dollars (\$1200.00) per annum; one deputy for tax collections, who shall be paid twelve hundred dollars per annum; two outside deputies who shall each be paid eighteen hundred dollars (\$1800.00) per annum, and each of whom shall pay his own traveling expenses within said county, except conveyance and livery hire, while in the performance of his official duties assigned to him as such; one deputy for the care of the insane, who shall be paid thirteen hundred (\$1300.00) dollars per annum; one outside deputy to attend to the service of criminal and other process, who shall be paid thirteen hundred dollars per annum (\$1300.00); one jailor, who shall be paid twelve hundred dollars per annum; one assistant jailor who shall be paid twelve hundred (\$1200.00) dollars per annum; one matron who shall be paid six hundred (\$600.00) dollars per annum; two night watchman who shall each be paid eleven hundred dollars per annum; one cook who shall be paid eight hundred forty dollars (\$840.00) per annum; two deputies in charge of juries who shall each be paid the sum of twelve hundred (\$1200.00) dollars per annum; six general deputies, who shall each be paid twelve hundred (\$1200.00) dollars per annum; two outside patrol deputies, who shall each be paid twelve hundred dollars (\$1200.00) per annum; and the sheriff shall also appoint and employ as many courtroom deputies as there are district court judges in and for said county who shall attend to the court of said judges and perform such duties pertaining to the sheriff's office as the sheriff may require and the compensation of each of said deputies shall be twelve hundred dollars per annum.

That an expense fund of one thousand (\$1000.00) dollars be set aside out of the first one thousand dollars (\$1000.00) received as fees from and after the passage of this act to be used by the sheriff to meet the current monthly expenses of the office, the money so used to be replaced in said fund at the

end of each month when such expense is allowed. ('13 c. 440 § 3, amended '17 c. 511 § 1)

1917 c. 511 § 1 amends 1913 c. 440 § 3 to read as above set forth. See 1917 c. 109 §§ 1, 3.

[1023—]1. **Unlimited number of deputy sheriffs in case of war**—That in the event of a state of war existing between the government of the United States and any other power, the sheriff of any county of this state now or hereafter having a population of 300,000 or more inhabitants, shall have full power and authority to appoint such a number of deputy sheriffs to be known as special deputy sheriffs as he may deem necessary to properly conserve the peace of his county and protect life and property therein. ('17 c. 405 § 1)

[1023—]2. **Same—No compensation—Qualifications—Powers**—The deputies so appointed shall act without compensation, shall be residents of the county wherein appointed and shall exercise such police powers as are now exercised by sheriffs. ('17 c. 405 § 2)

[1023—]3. **Same—County board may authorize compensation when**—Whenever, however, the sheriff of any such county shall report to the board of county commissioners that it is impossible for him to procure a sufficient number of such deputies to act without compensation, the board may authorize the sheriff to employ such a number of such special deputies as it shall designate and fix the compensation for their services. ('17 c. 405 § 3)

1024. **Auditor—Salary**—That salary of the auditor of each county of this state having or which may hereafter have a population of three hundred thousand inhabitants or over, shall be five thousand dollars (\$5,000.00) per annum. ('13 c. 440 § 4, amended '17 c. 511 § 2)

1025. **Same—Deputies assistants, etc.—Salaries**—The auditor shall appoint and employ one chief deputy who shall be paid the sum of twenty-four hundred dollars per annum; one deputy who shall act as commissioner's clerk, who shall be paid the sum of twenty-two hundred (\$2200.00) dollars per annum; one draftsman, who shall be paid the sum of fifteen hundred (\$1500.00) dollars per annum; one deputy who shall act as bookkeeper, who shall be paid the sum of fifteen hundred (\$1500.00) dollars per annum; one assistant bookkeeper who shall be paid the sum of fourteen hundred (\$1400.00) dollars per annum; one assistant draftsman who shall be paid the sum of thirteen hundred (\$1300.00) dollars per annum; one settlement clerk, who shall be paid the sum of eighteen hundred (\$1800.00) per annum; two assistant settlement clerks, who shall be paid fourteen hundred dollars (\$1400.00) and thirteen hundred (\$1300.00) dollars per annum respectively; one warrant deputy, who shall be paid the sum of fifteen hundred (\$1500.00) dollars per annum; one stenographer, who shall be paid the sum of nine hundred and sixty dollars (\$960.00) per annum; one head counter deputy who shall be paid the sum of sixteen hundred (\$1600.00) dollars per annum; three counter deputies who shall be paid the sum of fifteen hundred dollars (\$1500.00) per annum; and ten general clerks who shall each be paid thirteen hundred (\$1300.00) dollars per annum; and two clerks who shall each be paid twelve hundred dollars (\$1200.00) per annum. ('13 c. 440 § 5, amended '17 c. 511 § 3)

1027. **Same—Assistants, etc.—Salaries**—The county attorney, shall appoint and employ one assistant, known as first assistant county attorney, who shall be paid three thousand five hundred (\$3,500.00) dollars per annum; one assistant, known as second assistant and attorney for county commissioners, who shall receive a salary of twenty-seven hundred (\$2700.00) dollars per annum; one assistant, known as third assistant, who shall receive a salary of one thousand nine hundred (\$1900.00) dollars per annum; one assistant, known as fourth assistant who shall be paid the sum of one thousand six hundred (\$1600.00) dollars per annum; one special assistant who shall receive a salary of three thousand five hundred dollars (\$3,500.00) per annum; one special assistant who shall receive a salary of one thousand eight hundred (\$1800.00) dollars per annum; and one stenographer, who shall be paid one thousand two hundred (\$1200.00) dollars per annum. ('13 c. 440 § 7, amended '17 c. 511 § 4)

**1028. Register of deeds—Registrar of titles—Salary—**The salary of the register of deeds of each county of this state having, or which may hereafter have a population of 300,000 inhabitants or over, shall be four thousand five hundred (\$4,500.00) dollars per annum; and during the time the register of deeds shall also act as registrar of titles, he shall receive in addition thereto, the sum of five hundred dollars (\$500) per annum. ('13 c. 440 § 8, amended '17 c. 511 § 5)

**1029. Same—Deputies, assistants, etc.—Salaries—**The register of deeds shall appoint and employ one chief deputy who shall be paid two thousand four hundred (\$2,400.00) dollars per annum; one second deputy who shall be paid sixteen hundred (\$1,600.00) dollars per annum; one indexer who shall be paid twelve hundred dollars (\$1,200.00) per annum; one general clerk who shall be paid twelve hundred dollars (\$1,200.00) per annum; one vault clerk, who shall be paid fourteen hundred dollars (\$1,400) per annum; one assistant vault clerk who shall be paid seven hundred twenty dollars (\$720.00) per annum; one delivery clerk who shall be paid eight hundred forty (\$840.00) dollars per annum; one pager, who shall receive one thousand dollars (\$1,000.00) per annum; one chief comparer who shall be paid fourteen hundred dollars (\$1,400.00) per annum; one assistant comparer who shall be paid eleven hundred dollars (\$1,100.00) per annum; four comparers who shall each be paid nine hundred dollars (\$900.00) per annum; one comparer who shall be paid nine hundred dollars per annum; four typists who shall each be paid one thousand dollars per annum; three typists who shall each be paid one thousand dollars (\$1,000.00) per annum; eight copyists who shall each be paid eight hundred forty dollars (\$840.00) per annum; two copyists who shall each be paid seven hundred and eighty dollars (\$780.00) per annum; one stenographer who shall be paid eight hundred forty dollars per annum; and during the time that the register of deeds performs all of the duties required by law as registrar of titles, he shall appoint and employ one deputy, who shall receive the sum of two thousand dollars (\$2,000.00) per annum; one second deputy who shall be paid fifteen hundred dollars (\$1,500.00) per annum; one chief clerk who shall be paid twelve hundred dollars (\$1,200.00). ('13 c. 440 § 9, amended '17 c. 511 § 6)

**1031. Same—Deputies, assistants, etc.—Salaries—**The clerk of court shall appoint and employ one chief deputy who shall be paid the sum of two thousand four hundred dollars per annum; one deputy clerk who shall be paid eighteen hundred dollars (\$1,800.00) per annum; one deputy clerk, who shall be paid fifteen hundred dollars (\$1,500.00) per annum; four deputy clerks, who shall each be paid thirteen hundred dollars (\$1,300.00) per annum; one bookkeeper, who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum and eleven deputy clerks, who shall each be paid the sum of twelve hundred dollars (\$1200.00) per annum. ('13 c. 440 § 11, amended '17 c. 511 § 7)

**1032, 1033. [Superseded.]**

See §§ [1033—]1 to [1033—]3.

**[1033—]1. Surveyor—Salary and expenses—**That in every County in this State having, or which may have hereafter, a population of three hundred thousand (300,000) inhabitants or over, the county surveyors shall receive from such county, a salary of thirty-six hundred dollars (\$3,600.00) per annum; for all the services performed by him for the county for which he is elected, which sum shall be paid in equal monthly installments out of the county treasury of such counties upon warrants of the county auditor, and in addition thereto the county surveyor shall be allowed and paid from the county treasury his actual expenses necessarily incurred in the performance of his services. ('15 c. 225 § 1)

Section 4 repeals inconsistent acts, etc.

**[1033—]2. Same—Deputies, etc.—Salaries, etc.—**The county surveyor shall appoint and employ two deputies who shall each be paid two thousand dollars (\$2,000.00) per annum for all the services performed by each of them for said county; also one chief clerk and draftsman who shall be paid the

sum of eleven hundred dollars (\$1,100) per annum; one assistant engineer and rodman, who shall be paid the sum of ten hundred and eighty dollars (\$1,080.00) per annum; two chainmen who shall each be paid the sum of nine hundred and sixty dollars (\$960.00) per annum. All the above salaries and compensations shall be paid in equal monthly installments out of the county treasury upon warrants of the county auditor and said expenses shall be paid monthly from said treasury in a like manner. ('15 c. 225 § 2, amended '17 c. 411 § 1)

[1033—]3. **Same—Duties**—The county surveyor shall perform all the duties and services now, or which may hereafter be required by law to be performed by him. ('15 c. 225 § 3)

1034. **Treasurer—Salary**—The salary of the county treasurer of each county of this state having or which may hereafter have a population of three hundred thousand inhabitants, or over, shall be the sum of five thousand dollars per annum. ('13 c. 440 § 14, amended '17 c. 511 § 8)

1035. **Same—Deputies, assistants, etc.—Salaries**—The county treasurer shall appoint and employ one chief deputy who shall be paid the sum of twenty-four hundred dollars (\$2400.00) per annum; one mortgage registry and inheritance tax deputy who shall be paid the sum of fifteen hundred dollars (\$1,500.00) per annum; one cashier deputy who shall be paid the sum of eighteen hundred dollars (\$1,800.00) per annum; three cashiers (or tellers) who shall each be paid thirteen hundred dollars (\$1,300.00) per annum; one payment listing clerk who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum; one chief settlement clerk who shall be paid the sum of fifteen hundred dollars per annum; one assistant settlement clerk who shall be paid the sum of thirteen hundred dollars (\$1,300.00) per annum; two assistant settlement clerks who shall each be paid the sum of twelve hundred dollars (\$1,200.00) per annum; two assistant settlement clerks who shall each be paid one thousand dollars (\$1,000.00) per annum; one chief accounting or payment credit clerk who shall be paid the sum of fifteen hundred dollars (\$1,500.00) per annum; one assistant accountant or payment credit clerk who shall be paid thirteen hundred dollars per annum; two assistant accounting or payment credit clerks who shall each be paid one thousand dollars (\$1,000.00) per annum; one bookkeeper who shall be paid fifteen hundred dollars per annum; one remittance register clerk, who shall be paid one thousand dollars per annum; one chief receipt deputy who shall be paid the sum of twelve hundred dollars per annum; one assistant receipt deputy who shall be paid the sum of one thousand (\$1,000.00) per annum; two assistant receipt clerks who shall each be paid the sum of nine hundred dollars (\$900.00) per annum; one correspondence clerk who shall be paid the sum of one thousand dollars (\$1,000.00) per annum; one chief counter deputy who shall be paid the sum of fifteen hundred dollars (\$1,500.00) per annum; one assistant counter or transfer deputy who shall be paid the sum of thirteen hundred dollars (\$1,300.00) per annum; one assistant counter or transfer deputy who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum; one assistant counter deputy who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum; one chief statement deputy who shall be paid the sum of thirteen hundred dollars (\$1,300.00) per annum; three assistant statement clerks who shall each be paid nine hundred dollars per annum (\$900.00); which above named salaries shall be payable out of the county treasury in equal monthly installments except as hereinafter provided.

Provided, that any such auditor or county treasurer shall each have authority to command and employ the deputies or other employés of his office without additional compensation to that of such deputy or other employé's usual compensation, and when as often and to such extent as either said county treasurer or auditor may deem proper, the services of any deputy or other employé in said county treasurer's or auditor's offices, for any work of either of said offices, whether or not such work be the usual work of such deputies or other employés or be partly or wholly the usual or proper function of some other deputy or employé.

And, provided further, that either the county treasurer or auditor may, during the year, at his discretion and as often and for as long as he sees fit, reduce the number of clerks in his office and that the salary amounts which may be saved together with whatever has been saved during such year, through necessary vacancies, among any other deputies, clerks and assistants of either county treasurer's or auditor's office, may to any extent needful in either case, be used in the same year by hiring extra help at not to exceed the same rate, for any of the regular work of his office when the same is greater or more hurried than is common throughout the year.

And, provided further, that no such sums or any part thereof as herein provided, shall at any time be used to increase the salaries of any of the employees provided for in this act. ('13 c. 440 § 15, amended '17 c. 511 § 9)

**1036. Judge of probate—Salary—**The salary of the judge of probate, of each county of this state having or which may hereafter have a population of three hundred thousand inhabitants or over, shall be fifty-five hundred dollars (\$5,500.00) per annum. ('13 c. 440 § 16, amended '17 c. 511 § 10)

**1037. Clerk of probate court—Deputies, etc.—Salaries—**The judge of probate shall appoint and employ one clerk of probate court, who shall be paid twenty-five hundred dollars per annum; one deputy clerk who shall be paid eighteen hundred dollars (\$1,800.00) per annum; one assistant deputy clerk who shall be paid eighteen hundred dollars (\$1,800.00) per annum; one register clerk who shall be paid fifteen hundred dollars (\$1,500.00) per annum; one inheritance tax clerk who shall be paid fifteen hundred dollars (\$1,500.00) per annum; three general clerks who shall each be paid twelve hundred dollars (\$1,200.00) per annum; one book machine operator who shall be paid twelve hundred dollars (\$1,200.00) per annum; one competent stenographer, who shall be paid eighteen hundred dollars (\$1,800.00) per annum; the duties of which stenographer shall be to act as secretary to the judge in all matters pertaining to his official duties such secretary shall give bond to the state in the sum of five hundred dollars to be approved by the judge in appointing him, conditioned for the faithful and impartial discharge of his duties as such secretary. ('13 c. 440, § 17, amended '17 c. 511 § 11)

[1037—]1. **County superintendent—Assistant—Salaries—**The salary of the county superintendent of schools in each county of this state, having or which may hereafter have a population of 300,000 or over, shall be twenty five hundred dollars (\$2,500.00) per annum. The county superintendent of schools in any such county is authorized to appoint an assistant at a salary of eighteen hundred dollars (\$1,800.00) per annum and a clerk at a salary not to exceed one thousand dollars (\$1,000.00) per annum, such salaries to be paid in the same manner as are the salaries of other county officials in said county. ('17 c. 511 § 12)

#### CERTAIN OFFICERS AND SALARIES IN COUNTIES HAVING OVER 150,000 AND LESS THAN 200,000 INHABITANTS

1044-1046. [Superseded.]

See §§ [1046—]1 to [1046—]3.

[1046—]1. **Attorney—Salary—**The salary of the county attorney of each county of this state having or which may hereafter have a population of not less than 150,000 inhabitants and less than 200,000 inhabitants, shall be \$4,000 per annum. ('17 c. 357 § 1)

Section 4 repeals inconsistent acts, etc.

[1046—]2. **Same—Assistants—Salaries and expenses—**Such county attorney shall appoint and employ, with the approval of one or more of the district judges, a first assistant county attorney who shall be paid the sum of \$2,500 per annum; and in a like manner a second assistant who shall be paid the sum of \$2,500 per annum; and in a like manner a third assistant who shall be paid the sum of \$1,800 per annum; all of said assistants shall be attorneys duly admitted to practice law in all the courts of the state of Min-

nesota, and they shall take the official oath of office and execute a bond in all respects the same as the county attorney is by law required to execute, and all said assistants shall be fully authorized and empowered to do and perform, at the direction of the county attorney, any and all duties pertaining to such office of such county attorney; such assistant county attorneys shall also receive actual and necessary traveling expenses incurred in the business of the county. Said traveling expenses shall be allowed and paid by the county upon a verified, itemized bill, in the same manner as other bills against said county. ('17 c. 357 § 2)

[1046—]3. **Same—Stenographic work, etc.**—Said county attorney may also employ help for stenographic and typewriting work, but the aggregate of all salaries and expenses for such stenographic and other work shall not exceed \$1,800 per annum. ('17 c. 357 § 3)

[1050—]1. **Coroner—Salary**—The county coroner of every county of this state now having or which may hereafter have a population of not less than 150,000 inhabitants and not more than 200,000 inhabitants, shall receive a salary of twenty-four hundred dollars (\$2,400.00) a year, payable in equal monthly installments as other county officers are now paid, which salary shall be in full compensation for all services rendered by such coroner. ('15 c. 151 § 1)

[1050—]2. **Same—Clerk—Salary**—The county coroner of any such county shall appoint and employ one clerk who shall be paid an annual salary of not more than seven hundred twenty dollars (\$720.00), which salary shall be paid in equal monthly installments as other employees of said county are paid. ('15 c. 151 § 2)

[1050—]3. **Same—Deputies—Compensation**—The said coroner may also appoint such deputy coroners as in his judgment shall be necessary for carrying on the work of said office, but all such deputy coroners shall be duly licensed physicians under the laws of the state, shall be paid by the county coroner out of the salary received by him as such county coroner for all services performed as such deputy coroners within thirty miles of the county seat of any such county. For all services performed by any such deputy coroners residing more than thirty miles from the county seat of any such county, such deputy coroner shall receive such fees and mileage as are now provided by law for such services. ('15 c. 151 § 3)

[1050—]4. **Same—Traveling expenses**—Such coroner, or any deputy coroner, residing within thirty miles of the county seat, shall be reimbursed for any necessary traveling expenses incurred in the discharge of his duties within any such county on duly itemized and verified bills therefor, filed with, audited and allowed by the county board of any such county as are other claims against such county. ('15 c. 151 § 4)

1053. **Judge of probate—Salary—Clerk hire**—The salary of the judge of probate of all counties which now have, or which may hereafter have, a population of over one hundred and fifty thousand inhabitants and less than two hundred thousand inhabitants shall be \$3,600 per annum.

In addition to said salary the actual compensation for clerk hire in the office of such judge shall not exceed \$6,500, of which not more than \$2,400 shall be for the salary of the clerk of said court and not more than \$1,500 shall be for the salary of a deputy clerk of said court, and the balance for additional clerical and stenographic hire.

In addition to the above fixed salaries the county board of commissioners shall audit and allow the actual and necessary expenditures incurred by such judge of probate and an attendant clerk in the performance of official duties outside the limits of the county seat. (Amended '15 c. 145 § 1)

**ASSESSORS IN COUNTIES HAVING 200,000 AND LESS THAN  
275,000 INHABITANTS**

**1063. Salary**—The salary of the county assessor of each county of this state, having, or which may hereafter have a population of not less than two hundred thousand (200,000) inhabitants and less than two hundred seventy-five (275,000) inhabitants, shall be four thousand two hundred and fifty dollars (\$4,250.00) per annum. ('15 c. 144 § 1, amended '17 c. 473 § 1)

1915 c. 144 § 1 amended 1913 c. 224 § 1.

**1064. Chief deputy—Salary**—Such county assessor shall appoint and employ one chief deputy, who shall be paid a salary of two thousand five hundred dollars (\$2,500.00) per annum. ('15 c. 144 § 2, amended '17 c. 473 § 2)

1915 c. 144 § 2 amended 1913 c. 224 § 2.

**MISCELLANEOUS PROVISIONS**

**1088. Woman deputies**—Any woman who is a citizen of this State is eligible to appointment as a deputy of any public official authorized by law to appoint deputies. (Amended '17 c. 56 § 1)

**1090. Examination of accounts, etc., of retiring officials—Certificate—**

Where the incumbent of an office, a candidate for re-election, contested the election of his successful opponent, and, the latter prevailing on the contest, contestant surrendered the office, but on appeal a judgment of ouster was entered against contestee, and he resigned, and another was appointed to fill the vacancy, there, was an actual change in the incumbency of the office, so that contestant did not hold over (131-1, 154+442). Schools and School Districts, Ⓞ48(3).

**1094. Action against counties—**

Under this section where county commissioners have once deliberately and definitely acted on a claim, they cannot thereafter, at least in the absence of fraud or mistake and notice of hearing, set aside the decision and take some other action thereon (125-527, 147+249). Counties, Ⓞ204(4).

[1095—]1. **Refunding taxes on real estate in certain cases in counties having 300,000 inhabitants**—In any case prior to the date of the passage of this act in which in any county of this state now having a population of 300,000 inhabitants or over, wherein the board of county commissioners of such county have been authorized or empowered to refund, pay or repay to the person or persons entitled thereto, moneys at any time heretofore paid for taxes on real estate in such county, the taxable value of which real estate has been enhanced by the grading and filling of public streets, avenues and alleys at private expense, and the amount of taxes so paid by reason of such enhancement has been ascertained and determined by the board of county commissioners of such county, such person or persons entitled to said refundment, payment or repayment shall be entitled to recover from such county the full amount so ascertained and determined without interest thereon. ('17 c. 418 § 1)

[1095—]2. **Same—Demand for refundment—Duty of county board—Warrants**—The person or persons or their assigns desiring to avail themselves of section 1 (one) of this act shall within six (6) months after the date of the passage and approval hereof demand of the board of county commissioners of such county the amount of such refundment, payment or repayment and interest thereon, and the said board of county commissioners shall within thirty (30) days from date of said demand, direct the proper officers of said county to issue the proper warrant or warrants therefor. Said officer or officers shall immediately draw a warrant or warrants for the full amount of said refundment, payment or repayment and interest thereon, and said warrant or warrants shall be paid by the county treasurer of such county out of moneys in his possession which are not otherwise appropriated by law. ('17 c. 418 § 2)

[1095—]3. **Same—Tax levy**—The county board of tax levy of any county coming within the provisions of this act is hereby authorized and directed,